



## POLICY STATEMENT 8 DISCIPLINARY PROCEDURES FOR UNCLASSIFIED, OTHER ACADEMIC, AND CLASSIFIED EMPLOYEES

### POLICY DIGEST

Monitoring Unit: Office of Human Resource Management

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### I. PURPOSE

To establish disciplinary procedures for unclassified employees, those employees designated as “other academic” in relation to employment practices (See PM 23), and classified employees. This policy is not applicable to Faculty (See PS 104).

### II. DEFINITIONS

**Appointing Authority:** refers to the person and/or their designee(s) authorized by the Louisiana Constitution to take disciplinary action. Approval by the Appointing Authority is required under Civil Service Rules for all disciplinary action taken against Civil Service employees. At LSU, the Appointing Authorities are the President, the Executive Vice President & Provost, the Executive Vice President for Finance & Administration, the Associate Vice President for Human Resource Management, The Assistant Vice President for Human Resource Management, and the Executive Director for Employee Relations. Unless unavailable, the Executive Director for Employee Relations will approve all disciplinary actions except terminations, which must also be approved by the Associate Vice President for Human Resource Management.

**Classified Employees:** those employees governed by the rules of State Civil Service. Also referred to as “civil service” employees.

**Progressive Discipline:** a method of discipline that uses graduated steps to correct employee behavior and performance.

**Employee Discipline:** is an action or a series of actions used to correct employee behavior and performance.

**Other Academic:** refers to part-time members of the academic staff and full-time members of the instructional staff below the rank of instructor or equivalent (see PM 23); employees with academic responsibilities who do not hold faculty rank, such as teaching associates, research associates, postdoctoral researchers, and library associates.

**Unclassified Employees:** administrative officers and unclassified staff as well as all employees exempt from the provisions of the State Civil Service System; sometimes referred to as Professional/Administrative.

### III. GENERAL POLICY

Where problems with employee behavior or performance arise, a superior will seek to correct the problem. Discipline is a means to correct substandard employee behavior and performance. The type

of discipline imposed should reflect the seriousness of the problem. Some offenses are so serious as to justify discharge or suspension on the first offense (e.g., assault, failure to report Title IX-related violations (See PM 73); theft, fraud, serious negligence, etc.). For those offenses which do not justify serious discipline on the first offense, progressive discipline is applied.

The University recognizes the fact that the employee-employer relationship is not the same for all employees. The employee-employer relationship for classified employees is governed by Civil Service Rules. The employee-employer relationship for unclassified and *other academic* employees is defined by the Bylaws and Regulations of the LSU Board of Supervisors. Regardless of the disciplinary approach used, the discipline system must contain these elements:

- A. The system must provide due process to the employee; and
- B. All employees must be treated fairly and equitably without regard to race, creed, color, marital status, sexual orientation, gender identity, religion, sex, national origin, age, mental or physical disability, or veteran's status.

Employees have a right to know what is expected of them. It is important that all employees be given a copy of their position descriptions. The duties and responsibilities of the job along with the associated work rules must be communicated so that the employee will be forewarned that the failure to meet job expectations will result in some form of discipline.

#### **IV. UNCLASSIFIED EMPLOYEES**

Unclassified employees hold their positions at the pleasure of the Board of Supervisors, except as otherwise stated in the Bylaws and Regulations of the Board. Services of unclassified employees may be terminated by giving such employees reasonable notice. "Reasonable notice" means written notice given at the time the action is instituted by the employee's immediate supervisor.

Supervisors considering termination or discipline of unclassified/professional employees must contact the Employee Relations staff in the Office of Human Resource Management before taking action.

Notice requirements are not applicable in the event of termination for cause. Supervisors considering termination for cause or discipline of *other academic* employees must contact the Office of Human Resource Management before taking action.

#### **V. OTHER ACADEMIC EMPLOYEES**

Services of other academic employees may be terminated by giving such employees notice. "Notice" shall be interpreted to mean written notice as stated in the Bylaws and Regulations of the LSU Board of Supervisors except as otherwise provided on the employment contract when appointments are supported by grant funds.

Notice requirements are not applicable in the event of termination for cause. Supervisors considering termination for cause or discipline of other academic employees must contact the Office of Human Resource Management before taking action.

#### **VI. POSITIVE DISCIPLINE SYSTEM – CLASSIFIED EMPLOYEES**

Positive discipline involves a series of steps taken by management to instruct and assist employees in reaching a satisfactory level of performance and/or displaying appropriate behavior in the workplace. The system is dependent upon the employee's recognition of his/her need to accept and

conform to the University's standards of performance and conduct. When the employee fails to meet established performance expectations, they must recommit to the job as a condition of continued employment. Inherent to positive discipline is the good-faith effort of management to provide clear instructions and timely feedback to employees to assist them in meeting established performance expectations. Unlike the traditional discipline system, the Positive Discipline System emphasizes personal responsibility and decision-making. The traditional discipline system relies on efforts to correct behavior through progressively severer penalties. The positive discipline approach seeks to eliminate punishment (e.g, suspension, demotion, sanctions) using a series of corrective steps.

The Positive Discipline System involves the following corrective steps:

#### A. Coaching Session

The first response to a performance problem (e.g., unacceptable attendance, unsatisfactory job performance or inappropriate conduct) is a coaching session. A coaching session is the most effective way to deal with a minor problem before it becomes a major problem. The goal of the coaching session is to help the employee understand and focus on the problem so that performance is improved. The coaching session should focus on specific ways the employee's job performance and/or behavior must improve. The coaching session is an opportunity for the employee to (1) recognize that a problem exists, (2) understand the nature of the problem, (3) acknowledge that he/she needs to correct the problem, and (4) realize consequences exist if he/she does not correct the problem. The coaching session involves three major steps as outlined below:

1. Supervisor Preparation for the Coaching Session
  - a. Determine the category of the problem (e.g., performance, attendance, conduct).
  - b. Identify the specific difference(s) between the desired and actual performance.
  - c. Determine the good business reasons why the problem must be solved.
  - d. Determine the logical consequences if the problem continues.
  - e. Determine the appropriate action the employee must take to correct the problem. The supervisor, in some instances, may also be required to take action to correct the problem.
2. The Coaching Session
  - a. Discuss items outlined in Step 1
  - b. Confirm that the planned action is appropriate. Allow the employee to provide a reasonable explanation of his/her performance or conduct if one exists.
  - c. Agree on the action the employee (and the supervisor, if appropriate) will take to correct the problem.
3. After the Coaching Session
  - a. Document the discussion. A fillable form is available for use for this documentation on the LSU HRM website.
  - b. Follow up to make sure that the problem has been solved.

#### B. First Decisional Conference

If the employee's performance/conduct does not improve, the supervisor will meet with the employee and reminds them of the obligation to correct the problem. The details of the conference must then be confirmed in writing to the employee. A fillable form is also available on the HRM website for the first decisional. The first decisional letter or form does not require Appointing Authority approval. A copy of the first decisional letter or form does not need to be sent to the

Office of Human Resource Management. First decisional letters or forms are not appealable to the Civil Service Commission and are not placed in the employee's official personnel file.

Employees may provide a written response to the Office of Human Resource Management if they disagree with the facts presented in the first decisional letter or form. The response must be received within seven working days of receipt of the first decisional letter or form. The response will be reviewed, and appropriate action will be taken, which may include requesting a response from the department, a modification to the first decisional letter or form, or attaching the rebuttal to the first decisional letter or form.

#### C. Second Decisional Conference

If the employee continues to perform below the performance standard, the employee is again counseled by the supervisor. The second conference attempts to achieve the same objective as the first, except that the employee is warned that if performance does not improve, more forceful measures will be taken, up to and including termination. The details of the conference are then confirmed in writing to the employee. A fillable form is also available on the HRM website for the first decisional.

The second decisional letter or form does not require Appointing Authority approval (Leave Sanctions, which are issued as decisional letters, do require approval of the Office of Human Resource Management.), but a copy of the second decisional letter or form must be forwarded to the Office of Human Resource Management. Second decisional letters or forms are not appealable to the Civil Service Commission and are not placed in the employee's official LSU personnel file.

Employees are provided an opportunity to respond in writing to the Office of Human Resource Management if they disagree with the facts presented in the second decisional letter or form. The response must be received within seven working days of receipt of the reminder. The response will be reviewed, and appropriate action will be taken which may include requesting a response from the department, a modification to the second decisional letter or form or attaching the rebuttal to the second decisional letter or form.

#### D. Final Decisional Conference

Once an employee has received one or two written reminders (depending on the severity of the violation), the employee has one final opportunity to recommit to the institution. A meeting will be held with the employee to discuss the seriousness of the matter. The employee will be given an Employee Contract. The Employee Contract must contain:

1. A brief description of the problem;
2. Clearly defined expectations (a copy of the employee's current job description can be attached); and
3. A closing statement which includes, "your signature acknowledges your commitment to fully acceptable conduct, attendance, and performance in every area of your job, whether related to this issue or not, since any further violations could result in disciplinary action, up to and including termination."

At the end of the meeting, the employee is asked to take the contract home and report to the supervisor on the next workday at the beginning of their shift with their decision. If the employee wants to sign the contract in the meeting, the supervisor should reiterate that this is a final warning, and the employee needs to take time to consider their decision.

When the employee reports to the supervisor the next workday, they must either sign the contract and commit to meeting the University's expectations or accept the consequences for their failure to meet established performance standards. The Employee Contract requires Appointing Authority approval. If an employee disagrees with the facts presented in the contract, they may file a grievance in accordance with PS 80.

The Appointing Authority reserves the right to place the employee on a suspension without pay or a reduction in pay in lieu of the Employee Contract or if the employee refuses to sign the contract. The employee may also be subject to termination if he/she refuses to sign the contract.

1. Suspension without pay - An enforced leave of absence without pay for a specified period of time.

Suspensions without pay require Appointing Authority approval and are appealable to the Civil Service Commission.

2. Reduction in pay - An enforced reduction in the employee's pay normally determined by assessing the cost of a suspension and then reducing the employee's pay over several payroll periods. The reduction in pay is a severe penalty, in that, the employee is expected to perform their duties but must do so for a lesser amount of pay. Since reductions in pay are figured on base pay, both retirement contributions and over-time are figured at a lower rate of pay.

Reductions in pay are for a specific period of time. However, no employee may be reduced in pay below the minimum/entry pay for the job title/classification he/she occupies.

Reductions in pay require Appointing Authority approval and are appealable to the Civil Service Commission.

#### E. Termination

Termination is the last resort when less severe forms of the positive discipline system do not correct performance or behavior problems.

Because of the serious nature of termination, it is sometimes necessary to suspend an employee pending investigation. The suspension is to investigate the problem and confer with the appropriate officials regarding the decision to discharge. The suspension requires Appointing Authority approval.

Terminations for cause require Appointing Authority approval and are appealable to the Civil Service Commission.

#### F. Alternatives to Termination

There may be circumstances in which termination is not the best solution. Alternatives to termination include the following:

1. Involuntary Reassignment

An enforced change in the employee's job title/classification to a title with the same minimum rate of pay. The employee must meet the minimum qualifications and have the appropriate test score, if required, for the job title they are moving to.

Involuntary reassignments require Appointing Authority approval and are appealable to the Civil Service Commission.

## 2. Involuntary Demotion

An enforced change from one job title/classification to a lower job title/classification. It is mandatory that involuntary demotions result in a reduction in pay. The employee must meet the minimum qualifications and have the appropriate test score, if required, for the job title/classification to which he/she is demoted.

Involuntary demotions require Appointing Authority approval and are appealable to the Civil Service Commission.

## **VII. PROBATIONAL REMOVAL – CLASSIFIED EMPLOYEES**

The purpose of a probationary period is to provide the employer with a "trial period" in which to assess the employee's performance during which time the employee does not enjoy a property right to public employment.

Civil Service considers the probationary period an extension of the testing process. The probationary period is twelve months.

Supervisors are encouraged to use the probationary period wisely as the burden to discipline a permanent employee is much greater. Although employees on probation are not necessarily subject to progressive discipline, supervisors must provide a reasonable opportunity for the employee to become aware of and improve or correct any deficiencies.

## **VIII. SOURCES**

PM 23

Civil Service Rules