THE UNIVERSITY OF MICHIGAN

STANDARD PRACTICE GUIDE

SECTION:	Human Resources	**Number:**	201.12
		Revised:	7/1/05
SUBJECT:	Discipline (Performance and Conduct Standards)	**Date Issued:**	
		Review Date:	7/1/09
		Attachment(s)	0
APPLIES TO:	Regular Staff with the exception of those represented by a bargaining unit		
ISSUED BY:	Human Resources and Affirmative Action and the Office of the Provost and Executive Vice President for Academic Affairs		

I. Policy

The University requires that employees maintain a standard of performance and conduct that contributes to the continuing excellence and orderly and efficient operation of the University. The University, in its sole discretion, will determine whether an employee's performance, conduct or behavior meets this standard.

II. Definitions

A. MISCONDUCT: Conduct, performance or behavior, whether by act or omission that interferes with or adversely affects in any way the orderly or efficient operation of the University. This includes any violation of rules and regulations, whether written or unwritten, or unsatisfactory work performance that is caused by other than a lack of capacity or ability, and off duty or off premises behavior which adversely affects the employment relationship. "Misconduct" may also be called "unsatisfactory performance" or "undesirable conduct" or any similar term and is reason for taking disciplinary action.

B. TERMINATION: Generic term for the ending of the employment relationship at the initiative of the employee or the University for any reason, including misconduct. A misconduct termination, however, is usually referred to as a discharge.

C. TYPES OF DISCIPLINARY ACTION:

1. EXTENT OF DISCIPLINE: The extent of disciplinary action taken depends on all of the facts and circumstances available at the time the decision is made. Considerations include the nature of the misconduct, the employee's past record including disciplinary action, if any, taken in the past, and years of service. There is no requirement that an oral or written warning or reprimand, or a disciplinary layoff precede a discharge or that a warning or reprimand precede a disciplinary layoff if the facts and circumstances dictate another approach (See also Section III B.)

2. ORAL WARNING OR REPRIMAND: An oral statement of disapproval to the employee by the supervisor or another member of management concerning the employee's misconduct. At the supervisor's discretion, an oral warning or reprimand may be documented in the departmental file if there is concern that it may be misunderstood or denied by the employee at a subsequent date.

3. WRITTEN WARNING OR REPRIMAND: A written statement of disapproval to the employee by the supervisor or another member of management concerning the employee's misconduct.

4. SUSPENSION: The interruption of active employment and the stopping of pay pending a decision about the extent of disciplinary action, if any, to be taken. A suspension is not disciplinary in nature but after investigation, a suspension may or may not be converted to disciplinary action.

5. DISCIPLINARY LAYOFF: Time off without pay for misconduct.

6. WRITTEN REPRIMAND in LIEU of DISCIPLINARY LAYOFF: A written warning which is considered to be the equivalent of, and having the same effect as, a disciplinary layoff without pay.

7. DISCHARGE: Termination for misconduct following a Disciplinary Review Conference.

D. DISCIPLINARY REVIEW CONFERENCE (DRC): A meeting to provide an opportunity for discussion with an employee whose termination at the initiative of the University is contemplated. The conference will include an oral or written statement of the alleged misconduct or performance concerns and allow an opportunity for the employee to respond. The employee will be informed of the outcome in a timely fashion.

III. Regulations

A. SUSPENSION PENDING INVESTIGATION: A suspension should not be given for a predetermined period of time, but should last only long enough in the supervisor's judgment to permit time for investigation or for formulation of a decision after the investigation is completed. Time off during a suspension may be converted to a disciplinary layoff.

B. APPROVAL FOR DISCIPLINARY LAYOFF AND DISCHARGE OR TERMINATION: No disciplinary action involving a disciplinary layoff, a written reprimand in lieu of a disciplinary layoff, or any discharge may be taken prior to the approval of the appropriate Human Resources Office.

C. EXCLUSIONS: Temporary and probationary employees, employees where alternative employment arrangements exist, and those whose employment agreement states that they serve at the pleasure of a particular University official are not covered by this Standard Practice Guide.

D. SUPERVISOR'S RESPONSIBILITY: When it is determined that misconduct has occurred, it is the supervisor's responsibility to take disciplinary action.

E. INABILITY: Unsatisfactory performance may be the result of an employee's lack of ability or capacity. In these cases, progressive discipline, such as warnings or disciplinary layoffs, may not be an appropriate method to correct the performance. Prior to termination, units should consider alternative corrective measures or permit the employee a period of time to locate a more suitable position. A Disciplinary Review Conference will be held prior to termination.

F. MEDICAL PROBLEMS: If performance, including attendance, is adversely affected by a medical problem for which there is acceptable medical evidence and the employee is following prescribed treatment, disciplinary action is not appropriate. However, termination because of inability to perform the essential functions of one's position may be considered on a case by case basis.

G. DISCIPLINARY LAYOFFS: A disciplinary layoff is imposed by the supervisor for a stated period of time. The layoff may range from the balance of the day's work schedule to several days or weeks. A disciplinary layoff will be accompanied by a written reason. (See also Section III B) For exempt employees, if a Disciplinary Layoff is given, it must be for five days or more.

H. WRITTEN REPRIMAND IN LIEU OF A DISCIPLINARY LAYOFF: A "Written Reprimand in Lieu of a Disciplinary Layoff" will be clearly identified as such, and may be used at the discretion of the supervisor with the approval of the appropriate Human Resources Office. This approach is particularly recommended when the misconduct is unexcused absenteeism; or when the absence caused by disciplinary layoff would have a more negative impact on the unit than on the employee.

I. DISCIPLINARY REVIEW CONFERENCE (DRC): The employee will be notified by the University as to the nature and purpose of a Disciplinary Review Conference. The employee's immediate supervisor or designee and a representative from Human Resources will also be present for the review.

The employee may be accompanied by a representative of his/her choosing, and by one other employee in possession of relevant facts. Employees will not lose time or pay for attending a conference held during their normal working hours.

When unlawful discrimination is alleged in the Disciplinary Review Conference, the appropriate Human Resources Office will review any facts which may have been provided to the Department of Equity and Diversity Services.

J. GRIEVANCES: Grievances filed by employees concerning disciplinary layoff, written reprimand in lieu of layoff, termination or discharge are submitted directly at Step 3 of the grievance procedure. (See SPG 201.8 "Grievance Procedure")

K. VACATION, SICK TIME AND PTO PAY:

1. Vacation and Paid Time Off (PTO) – employees will be paid for vacation or PTO which has accrued as of the termination date. (SPG 201.64)
2. Sickness or injury disability income (sick time pay) – which may have been available is cancelled upon termination. (SPG 201.11)

L. BENEFITS: When a employee is terminated, the employee should contact the Benefits Office for details regarding the status of their benefit programs.

M. RETIREMENT: If an employee subject to discharge is eligible to retire, in consultation with Human Resources, consideration may be given to allow voluntary retirement in lieu of discharge.