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Conduct and Corrective Action

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Scope

All non-academic University of Nebraska at Omaha (UNO) employees, including Managerial/Professional, Office/Service, and non-Academic Administrators.

Policy Statement

Certain standards of work performance and employee conduct are required of all UNO employees to maintain a respectful and productive work environment. When an employee does not meet the specified standards, corrective action is warranted. All corrective action is developed through open communication, measured corrective or disciplinary engagement, and opportunities, where appropriate, for an employee to improve to foster a harmonious workplace for all UNO employees.

It is important for UNO employees to understand the expectations of conduct expected of them as an employee and how an employee's behavior, performance, or conduct could lead to management taking corrective action against them. Any decisions to take corrective action should be reviewed, in advance, by Human Resources (HR).

Reason for Policy

The primary purpose of this policy is to establish clear expectations for employee behavior, ensuring that the workplace remains orderly and disciplined. It is important to prevent and deter inappropriate or unacceptable behavior to reduce workplace misconduct, resolve job conflicts, promote a safe and respectful workplace environment, and uphold fairness and consistency in employee corrective actions.

Procedures

Conduct Expectations

Employees are expected to act with integrity, display good judgment, and conduct themselves in a lawful, ethical, professional, safe, productive, and effective manner in all aspects of their employment. Employees also are expected to strictly adhere to all applicable federal, state, and municipal laws, as well as all applicable University policies, procedures, and practices, in performing their job duties.

At-Will Employment

Unless otherwise stated in a written contract or employment letter, all employees of the UNO are considered Employees-At-Will. Employment can be terminated by either party, at any time, with or without cause, with the appropriate period of notification.

Conduct Warranting Corrective Action

Any behavior that violates or fails to adhere to UNO's expected conduct, business, or professional standards, or otherwise undercuts the interests of UNO, may give rise to corrective action, up to and including termination. Such behavior may include, without limitation, the following examples of misconduct. This list of examples is not intended to be exhaustive, and UNO reserves the right to impose corrective action for misconduct that may not be referenced within that list.

Violations of Law or Policy

- Any conduct that violates or potentially violates any federal, state, or municipal laws, codes, or regulations. Employees are required to inform their immediate supervisor within one working day after being arrested or receiving a citation or a court summons for any alleged criminal offense other than a minor traffic violation. Employees also are required to notify HR of any criminal conviction within three workdays of the conviction being rendered. In determining what corrective action will be imposed for the violation, UNO will consider the seriousness of the offense, its correlation to the employee's position, and the impact that it may have on UNO's reputation or standing.
- Failure to adhere to any applicable bylaws, policies, procedures, rules, or practices established or imposed by UNO or employing unit, including without limitation those policies regulating or addressing the following:
 - # Non-discrimination
 - # Sexual misconduct
 - # Code of Ethics
 - # Conflicts of Interest
 - # Computer usage

- # Accepting gifts, grants, and bequests
- # Inappropriate handling, release or disclosure of confidential student or employee information or records, or the intellectual property or confidential business information of UNO
- # Drug and Alcohol Abuse Prevention
- # Smoking in unauthorized areas
- # Gambling on UNO property

Dishonesty

- Any act of dishonesty, including without limitation, the following:
 - # Theft, misappropriation, or unauthorized removal of property or funds belonging to UNO or others.
 - # Unauthorized use of worktime or UNO property or resources for personal or other uses unrelated to work, or directing others at work to perform work on your behalf that is personal in nature.
 - # Using one's position for personal gain.
 - # Falsification or misrepresentation of work-related information or documents, including, without limitation, false information on an employment application, benefits forms, time records, or reimbursement forms.
 - # Misuse of insider or confidential information obtained during employment.
 - # Lying, failing to be truthful, or refusing to answer any questions or requests during an official University investigation.

Violence, Weapons, and Safety

- Threats or acts of violence occurring at the workplace or while performing duties on behalf of UNO.
- Possession of a concealed weapon or firearm including but not limited to all provisions within RP-6.4.8.
- Conduct deemed by UNO to pose a safety risk to oneself or to others in the workplace, including without limitation failing to strictly adhere to safety protocols or procedures or otherwise engaging in unsafe workplace practices.

Performance and Behavior

- Any workplace conduct or performance that does not meet the expected standards, or any conduct occurring outside of the workplace that negatively impacts the workplace or harms the reputation of UNO, including without limitation the following:
 - # Conduct that is deemed by UNO to be unprofessional, threatening, harassing, abusive, intimidating, menacing, bullying, stalking, discriminatory, or otherwise disruptive to the workplace or contributing to a hostile work environment.
 - # Inappropriate interactions with other employees, students, or members of the public
 - # Refusal to comply with a lawful directive or assignment from a supervisor or any other conduct that is deemed to be insubordinate.
 - # Conduct that impedes or hinders the efficient operation of the unit or prevents or impairs others from being able to perform their duties.
 - # Continued deficiencies in the performance of one's duties, including without limitation performance that reflects a lack of good judgment, inefficiencies, incompetence, or neglect of duties.
 - # Sleeping, loitering, or engaging in unauthorized personal business while on duty
 - # Failure to obtain or maintain any licensure or certification required for the position.

Attendance

- Frequent or excessive absenteeism or tardiness can give rise to corrective action, as well as absences taken without proper authorization or notice. Absences attributable to a disability or a serious health condition within the meaning of the Americans with Disabilities Act (ADA), as amended, or the Family and Medical Leave Act (FMLA), will not be considered in assessing whether an employee's absenteeism is frequent or excessive. Absent unusual circumstances, employees needing leave under the ADA or FMLA may be required to comply with UNO's procedural requirements for requesting leave.
- Employees who are absent from work without notifying their supervisor will be considered a no-call, no-show and subject to corrective action, even if they should report to work later in the day.
- Employees who are absent for three (3) consecutive workdays without notifying their supervisor will be deemed to have abandoned their position and will be subject to having their employment terminated.
- Individual units may establish specific attendance procedures for their unit with advance approval from HR.

Coaching

It is the responsibility of the supervisor to pursue the appropriate course in dealing with employee work performance. A supervisor may coach an employee about a particular work problem without first notifying HR. The decision to coach an employee versus taking formal corrective action is governed by the severity and frequency of the work problem. When the supervisor chooses to coach the employee, it is important that the coaching be documented by the supervisor. For coaching to be effective, it is necessary that it be specific, accurate, factual, and identify concrete proposed solutions. Employees should be reminded that coaching is not formal corrective or disciplinary action. Should the problem not be resolved by the coaching and corrective action become necessary, a written documentation of the previous coaching serves three purposes: (1) it provides written proof that prior coaching has taken place and that the employee has been made aware of the problem;(2) it provides a quick method of recalling details of prior poor performance, and thus allows the supervisor to speak from facts; and (3) it may establish a basis for corrective action for subsequent violations.

Corrective Action

Corrective action is intended to assist employees in modifying or improving their conduct or performance so they meet the requisite expectations. Decisions regarding corrective action must be tailored to the specific facts of each case and should be made only after consultation with HR to ensure consistency and compliance with all applicable laws.

Although corrective action may be imposed in a progressive order, certain steps may also be bypassed or combined depending on the underlying facts of the situation and the severity of the infraction. Some conduct will warrant immediate severe corrective action, up to and including termination, even when engaged in for the first time

The type of corrective action will be determined by the nature, severity, and effect of the problem, by the type and frequency of previous problems, by the period of time elapsed since a previous problem, and by any circumstances relevant to the problem.

An employee may not have another party present at meetings between an employee and departmental representatives to address corrective action issues. On a limited basis, HR may

approve another party to attend for conversations that require an English translator or when a medical condition/disability-related situation occurs.

Any corrective action documentation along with any employee response will be included in the employee's official personnel file held in HR.

Verbal Warning

- A meeting between the employee and the immediate supervisor should be arranged during which the supervisor should explain in detail the reasons for the verbal warning including but not limited to job performance, conduct, or attendance issues.
- The supervisor should state the problem, listen to the employee's response, and encourage the employee to make suggestions for correcting the problem.
- The meeting should end with a plan of action for correcting the problem including consequences in the future for failing to correct such problem.
- Such verbal warning should be documented in writing with original to the employee and copies held by the supervisor and HR; HR can assist in preparation of such document.

Written Warning

- If, in the judgment of a supervisor, a verbal warning does not correct the problem, a written warning may be given to the employee.
- This warning should describe the problem, the action required to correct it, and that failure to correct the problem could lead to further corrective action, up to and including termination.
- The employee should be given an opportunity to discuss the warning with the supervisor and should be advised of the right to make a written reply.
- Copies of the warning and the employee's reply will be placed in the employee's official personnel file held in HR.

Performance Improvement Plan

- A Performance Improvement Plan (PIP) is designed to inform an employee of specific deficiencies in the employee's performance or conduct and to provide the employee with specific goals and time limits within which to make the necessary improvements to bring their performance or conduct within the expected standards.
- A PIP is initiated by the employee's manager or immediate supervisor, in consultation with HR, after identifying the performance gaps and discussing them with the employee.
- A PIP is a constructive and collaborative process that helps the employee overcome their challenges and achieve their potential.
- On its own, a PIP is not considered disciplinary action.

Corrective Probation

- An employee displaying deficiencies in their work performance or conduct may be placed on probation for a period of up to six (6) months during which their performance or conduct will be monitored. The probationary period may be extended, if necessary, to a period of up to one (1) year with HR approval.
- The supervisor should schedule a meeting with the employee and prepare a written document outlining the unsatisfactory work performance or behavior. The supervisor should also establish a reasonable time during which the problem causing the probation must be corrected.

- The employee should be advised that immediate improvement is expected and that employment until the end of the probation is not assured unless progress is made.
- Copies of the written document and of any summaries of future probationary meetings should be placed in the employee official personnel file held in HR.
- Employees on corrective probation are ineligible for either a salary increase or transfer.
- Employees may be dismissed for cause at any time during corrective probation if there is not satisfactory progress to correct the problem which caused the employee to be placed on corrective probation. Corrective probation is not a necessary condition precedent to a dismissal for cause.

Unpaid Suspension

- An unpaid suspension may be imposed with the advance approval of HR in cases where an employee has engaged in serious misconduct or is continuing to display performance issues on an ongoing or sustained basis.
- A pre-deprivation meeting must be conducted prior to an unpaid suspension.
- The affected employee must be informed of the unpaid suspension in writing, and the suspension normally cannot exceed five (5) workdays.
- An employee on an unpaid suspension cannot utilize any paid leave or compensatory time during the suspension.

Demotion

- Demotion of an employee to a lower position, with a corresponding reduction in pay, may be used as a form of corrective action in some situations.
- Such a demotion must be approved in advance by HR and must be accompanied by written notice to the employee.
- The notice must state the reasons for the demotion, the corresponding rate of pay for the new position, and the effective date of the demotion.
- If the demotion will result in a reduction in pay, at least two (2) weeks' advance notice must be provided to employees in office/service positions and at least ninety (90) days' advance notice must be provided to employees in managerial/professional positions.
- A pre-deprivation meeting must be conducted prior to a demotion that results in a change in pay.

Administrative Leave

- With advance approval by HR, an employee may be placed on paid administrative leave pending an investigation or review into the underlying circumstances that may result in corrective action.

Termination for Cause

- In cases involving serious acts or omissions contrary to standards of work performance or in cases involving serious employee misconduct, a regular office/service or managerial/professional employee may be dismissed from employment for cause, and in such cases the university may terminate the employment relationship immediately or with less notice than is otherwise required.
- All terminations for cause require advance approval by HR.
- In cases of dismissal for cause, the employee shall be given due process of law prior to and after the dismissal decision.

Right to File a Grievance

All regular employees holding managerial/professional or office/service positions who have completed their original six-month probationary period may grieve any corrective action that they receive, except for verbal warnings and a termination that is imposed with proper notice. Such grievances must be filed in accordance with the procedures contained within the BOR Non-Academic Grievance Policy. A filing of a grievance will not delay the implementation of the corrective action.

History

This policy, originally titled 'Disciplinary Action', was developed and approved prior to the implementation of the campus policy development and approval process established in October 2015. This current policy was approved by the Senior Executive Leadership Team on June 6, 2024.

The University of Nebraska does not discriminate based on race, color, ethnicity, national origin, sex, pregnancy, sexual orientation, gender identity, religion, disability, age, genetic information, veteran status, marital status, and/or political affiliation in its programs, activities, or employment.