

OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION PERSONNEL POLICIES

Policy: Discipline and Termination
Policy Number: 401.0 (Page 1 of 2)

Effective Date: December 9, 1999
Approved:

I. Policy

A. Discipline

1. Corrective counseling and oral warnings are informal means of dealing with performance deficiencies or misconduct which may be used at the employer's option prior to or in addition to formal disciplinary measures.
2. The employer may formally discipline employees for unacceptable performance or behavior using such means as but not limited to written warnings, suspension without pay, disciplinary demotions, and discharge.
 - a. The employee shall receive written notice of any formal disciplinary action and a copy of such notice shall be placed in the employee's personnel file. Such notices should include the reason for the discipline; the type of disciplinary action taken, including dates and duration where applicable; the improvement or corrections expected; and the consequences of failure to make required improvement.
 - b. Where notices cannot be issued in person, they should be delivered by certified mail.

B. Termination

1. Classified employees who have not completed the six month probationary period in a permanent position may be terminated any time during the probationary period without cause and without prejudice. Employees who are terminated during their probationary period need not be given reasons for their termination nor are such employees entitled to the pretermination review outlined in section IIA of this policy.
2. Classified employees who have completed the six month probationary period may be terminated for cause if they fail to perform their jobs in a satisfactory manner or if their behavior otherwise interferes with the efficient operation of the unit. Discharge should not be an initial disciplinary action except in serious cases of unsatisfactory performance or unacceptable behavior. Classified employees who are terminated for cause shall be given written notice of their termination which specifies the date the termination is effective and the reasons for the discharge.
3. Employees who are employed through individual employment contracts under the authority of the Board of Regents may be terminated for cause at any time during the contract period. Discharge should not be an initial disciplinary action except in serious cases of unsatisfactory performance or unacceptable behavior. Employees with employment contracts who are terminated for cause shall be given written notice of their termination which specifies the date the termination is effective and the reasons for termination.
4. Employees who are employed through individual employment contracts under the authority of the Board of Regents may be terminated without prejudice and without a showing of cause

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upon written notice and expiration of their employment contract. Employees shall be given written notice of intent not to renew their contracts at least thirty (30) days prior to termination during the first year of employment, three (3) months prior to termination during the second year of employment, or six (6) months prior to termination during the third or subsequent years of employment. Employees who are given the specified notice of their termination are not entitled to reasons for their termination or the pretermination review provided for in section II A of this policy.

5. The Commissioner is excluded from this policy.

II. Procedures

- A. A pretermination review shall be conducted prior to the termination of a classified employee who has completed the probation period. A pretermination review shall be conducted prior to the termination for cause during the contract period of an employee who is employed through an individual employment contract. The purpose of the pretermination review is to ensure there are reasonable grounds to believe the allegations against the employee are true and that the allegations support the discharge decision.
 1. The pretermination review shall be conducted by the Director of Personnel and Labor Relations or another person designated by the Commissioner and shall include: notice of the allegations supporting the recommended discharge action, notice of the substance of the evidence supporting the allegations, an opportunity to submit a written response, an opportunity to meet with the investigator, and an opportunity to present rebuttal witnesses.
 2. Upon completion of the pretermination review, the investigator shall report his or her findings to the Commissioner who shall decide, based on the findings, whether or not the decision to discharge is supported.
- B. Payment of wages for employees who are terminated pursuant to Section I, B.1., B.2., or B.3. are due and payable on the next regular payday for the pay period during which the employee was terminated or 15 calendar days from the date of termination, whichever occurs first.
- C. At the time the termination becomes effective, the employee shall be informed of the right to appeal the decision to terminate in accordance with OCHE Policy 201.0 and Regent Policy 203.5.2.

References:

Board of Regents Policy 711.1