

I. POLICY

Eastern Virginia Medical School (EVMS) has adopted a policy of progressive discipline to identify, address, and correct employee and employment related problems, including performance deficiencies. The goals of progressive discipline are to: 1) provide the employee with notice of unacceptable behavior(s); 2) advise the employee of the expectations of the corrective action and any necessary steps to achieve satisfactory performance, and 3) inform the employee of what action(s) will be taken in the future if the situation remains uncorrected or expectations are not met. In certain circumstances involving egregious, dangerous, or fraudulent behavior, employees may be terminated for a first offense (e.g., violence, intoxication, theft, sexual harassment, etc.), or discipline may begin at an elevated step commensurate with the nature of the offense. EVMS reserves the right to place an employee on paid or unpaid leave pending the outcome of an investigation. In addition, discipline may be issued for conduct that falls outside of the areas identified in this policy.

Human Resources must approve all disciplinary action before it is taken. Further, all action related to, or taken under, this policy is confidential. Audio, video, or other recording and/or transmission devices may not be utilized during any disciplinary action meeting.

II. PROCEDURE

A. Unacceptable Behavior. Employees will be subject to disciplinary action, including termination, for engaging in unacceptable behavior such as:

1. Violation of EVMS policies or safety rules;
2. Refusing to do assigned work or refusing to cooperate with an institutional investigation/audit;
3. Insubordination;
4. Poor performance, being inattentive to duty, sleeping on the job;
5. Falsifying a time card or other EVMS record or giving false information to anyone whose duty is to make such record;
6. Failing to report an on the job injury;
7. Conducting oneself in a manner which is offensive, abusive, disruptive, or violent;
8. Carrying out any form of harassment including sexual harassment or spreading false or malicious gossip;
9. Operating EVMS owned vehicles without proper license or operating any vehicle on EVMS property in an unsafe or improper manner;
10. Appropriating EVMS equipment, time, or resources for personal use or gain;
11. Computer abuse, including misuse of computer accounts, unauthorized destruction of files, sharing passwords, disruptive or obscene emails, non-work related utilization of computer software or hardware;
12. Conviction of a felony;

13. Misusing or willfully neglecting EVMS property, funds, materials, equipment, or supplies;
14. Unauthorized visitors during work hours;
15. Theft of EVMS equipment, tools, materials, or other property or theft from other employees;
16. Violation of the EVMS Confidentiality Policy
17. Failing to behave in a professional, businesslike manner at the employees assigned work location, on EVMS property, and whenever representing EVMS at public events/locations; and
18. Dress and appearance that is not appropriate to the individual's job functions and the performance standards established for the position or department specific guidelines. This includes maintaining an acceptable level of grooming and hygiene.

B. Corrective Action. Supervisors are responsible for monitoring employee behavior, enforcing appropriate standards, and taking corrective action when necessary. Corrective action does not require Human Resources' approval and should be taken, and documented in writing, before requesting disciplinary action.

C. Progressive Disciplinary Action. Progressive disciplinary action is used when corrective action fails to remedy unacceptable behavior. Disciplinary action may be issued by Human Resources or an employee's supervisor. Supervisors must consult with Human Resources before taking any disciplinary action. The determination of initial disciplinary action will be made by Human Resources and will depend on the seriousness, extent of the behavior. Once the progressive discipline procedure has been started, each step must be followed in succession unless otherwise approved by Human Resources. Human Resources reserves the right to combine or skip steps dependent upon the severity of the incident, when progressive discipline has failed to remedy the unacceptable behavior, and/or when there is evidence of a pattern of unacceptable behavior for which multiple disciplinary actions have been taken within a one-year time frame.

1. *Step One: Verbal warning*. The purpose of the verbal warning is to make the employee aware of the unacceptable behavior, suggest ways to mitigate the behavior, and to discuss consequences of continued unacceptable behavior. The verbal warning must be documented by the supervisor and sent to the employee via email with a copy to Human Resources.
2. *Step Two: Written warning*. The written warning serves to notify the employee that his or her behavior or actions constitute unacceptable behavior and that future violation will result in further disciplinary action. The written warning shall contain the specifics regarding the unacceptable behavior, the date of any verbal warning(s) previously given, recommended corrective action, and consequences for continued unacceptable behavior. The written warning shall be signed by the employee (if the employee refuses to sign the warning, the refusal must be documented on the warning). The employee shall

- be given a copy of the written warning, with a copy retained by the supervisor, and a copy sent to Human Resources for placement in the employee's permanent record.
3. *Step Three: Probation.* The probation memorandum must include the reason for the probation (including specifics regarding all incidences of unacceptable behavior and dates of any verbal or written warnings), the corrective action and timeframes for correction, and that termination is possible for future unacceptable behavior of any type. Initial probation may be 30 to 90 days in length and may be extended in certain circumstances. The probation memorandum should be signed by the employee and the supervisor. If the employee refuses to sign the memo, the refusal must be documented on the memorandum. The employee shall be given a copy of the probation memorandum, with a copy retained by the supervisor, and a copy sent to Human Resources for placement in the employee's permanent record.
 4. *Step Four: Termination.* If progressive discipline fails to remedy the unacceptable behavior, or if another type of unacceptable behavior occurs while the employee is on probation, termination may result. Upon termination, the department shall prepare a Personnel Action Sheet and route it to the Office of Business Management. The department shall send its personnel file regarding the employee to Human Resources.

D. Immediate Termination. Human Resources may deem that the nature and severity of an unacceptable behavior (i.e. violence, threats of violence, conducting illegal or deceptive activity, sexual harassment, willful violation of the Confidentiality Policy, etc.) is such that it warrants immediate termination. In such event, the department shall follow all procedures in accordance with EVMS Separation Policy and shall send the department personnel file regarding the employee to Human Resources.