

# **BURRELL COLLEGE OF OSTEOPATHIC MEDICINE**

## **STANDARD OPERATING PROCEDURES**

<b>Progressive Discipline</b>		<b>SOP #: HR.013.01</b>
Effective Date	11/29/2016	
Last Revision/Review	11/30/21	

### **1. Purpose**

Burrell College of Osteopathic Medicine's (Burrell) progressive discipline is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. It has been designed consistent with Burrell organizational values, human resource (HR) best practices and employment laws.

### **2. Related Policy/Authority**

Burrell Policy B7551

### **3. Faculty/Staff Responsibilities**

Supervisor Requirements:

1. To ensure that employees are well aware of performance and behavioral expectations and that discipline is administered appropriately, supervisors must:
  - Inform employees regarding:
    - Job duties, responsibilities, and expectations;
    - Relevant information (i.e., Burrell rules, policies, standards, etc.) that will assist employees in carrying out job duties;
    - Operating procedures; and
    - Changes in duties, responsibilities, expectations standards, policies, etc.
  - Provide a performance plan to their employees and should:
    - Communicate;
    - Provide performance feedback to employees;
    - Hold employees accountable for performance standards throughout the performance period; and
    - Complete evaluations at the end of 90 days and at the end of the performance year.
  - Consistently enforce rules, policies, etc. Similar situations should be handled in a similar manner; however, it is not required that the penalty for violations be precisely the same in every instance. The penalty may vary because of the severity of the:
    - Offense;
    - Presence or absence of intent;
    - Previous work record of the employee; or
    - Other relevant factors.
  - Be aware that it is not necessary or required that every disciplinary action be followed in sequence for every situation (i.e., verbal warning, then written reprimand or warning, then Performance Improvement Plan, etc.). Over a period of time, it may be appropriate to use several approaches, including disciplinary action, to address an employee's issue(s). Some

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situations, on the other hand, require immediate dismissal. The basic guideline in each situation should always be to use the form of discipline that is most appropriate for the inappropriate behavior or performance deficiency.

- Not administering discipline with the purpose of punishing the employee. Disciplinary actions, with the exception of dismissal, are a good faith effort to affect change in, and correct unacceptable behavior and/or performance.

Employees must:

- Satisfactorily perform job duties and behave in a reasonable manner in accordance with Burrell standards for conduct/ethical standards.
- Be familiar with Burrell's rules, policies and standards. See Burrell's policies at: <https://burrell.edu/faculty-staff/institutional-policies/#1548370112988-b8df0be3-3456>.
- Be aware that it is not a right that disciplinary actions be administered in sequence (i.e., verbal warning, written reprimand or warning, performance improvement plan, etc.). The supervisor will decide what discipline is required for each instance of inappropriate behavior or performance deficiency.
- Be aware that disciplinary action is administered as a good faith effort intended to affect change in, and correct unacceptable behavior and/or performance.
- Understand that your employment is at-will and can be terminated at any time, with or without cause. Only the Director of Human Resources is authorized to modify the at-will nature of the employment relationship, and the modification must be in writing and approved in writing by both the Dean and President.
- Cooperate fully and truthfully and provide assistance, when appropriate, with investigations regarding alleged misconduct. This includes activities such as:
  - Cooperating in interviews;
  - Answering questions related to the performance of official duties; and
  - Producing requested documents.
- Report suspected criminal or administrative misconduct including fraud, waste and abuse. Employees who make false allegations and/or disclose information with willful disregard for its truth will be disciplined.

#### **4. Definitions/Abbreviations**

None

#### **5. Procedural Steps**

##### **Step 1: Counseling and verbal warning**

1. Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue.
2. The supervisor should discuss with the employee the nature of the problem or the violation of company policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem.

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3. The supervisor will prepare written documentation of the Step 1 meeting. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

### **Step 2: Written warning**

1. Although Burrell hopes that the employee will promptly correct any performance, conduct or attendance issues that were identified in Step 1, Burrell recognizes that this may not always occur. The Step 2 written warning involves more formal documentation of the performance, conduct or attendance issues and consequences.
2. During Step 2, the immediate supervisor and a division manager or director will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans.
3. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.
4. A performance improvement plan (PIP) will be noted in the appropriate section of the written documentation. The PIP will last for a predetermined amount of time not to exceed 90 days, within this time period the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specific by the supervisor and the organization, failure to meet the requirements, could result in further documentation up to and including termination.

### **Step 3: Suspension and/or final written warning**

1. There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.
2. Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from a next-level manager and Human Resources.
3. Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws.
4. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension.
5. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. Human Resources will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.
6. Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

### **Step 4: Recommendation for termination of employment**

1. The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, Burrell will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension from the workplace

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before proceeding to a recommendation to terminate employment. However, Burrell reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

2. Management's recommendation to terminate employment must be approved by the Director of Human Resource, Chief Academic Officer and the President of Burrell.

### **Appeal Process**

1. Employees will have the opportunity to present information that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee's performance or conduct issues while allowing for an equitable solution.
2. If the employee does not present this information during any of the step meetings, he or she will have five business days after that meeting to present such information.

### **Documentation**

1. The employee will be asked to sign the documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.
2. These documents will be placed in the employee's official personnel file, copies are not provided to the employee, unless legally required.

**Important note:** Nothing in the policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between Burrell and its employees.

### **Adverse Actions:**

1. Suspension from employment, Demotion and Involuntary Termination and/or dismissal for cause are Adverse Actions.
2. Except in cases that warrant immediate dismissal, the supervisor should investigate the incident or offense, history of corrective measures and/or disciplinary actions previously taken against the employee, prior to proposing an Adverse Action. Most, if not all, of this information should be found in the employee's personnel file.
3. Adverse Actions require approval of the appropriate authority. Managers, supervisors, or others in authority are **not** to take adverse action against an employee unless it is approved by the appropriate authority.
4. An Adverse Action may be taken against an employee for reasons including, but not limited to, the following:
  - Theft;
  - Substance abuse;
  - Intoxication;
  - Fighting and other acts of violence at work; and
  - Chronic tardiness or absenteeism.

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### Dismissal:

1. Employment with Burrell is on an at-will basis and may be terminated voluntarily or involuntarily at any time.
2. All rights and privileges of employment with the company terminate upon the date of separation. Terminating employees are required to return all company property assigned to them. Failure to do so may result in the withholding of their final ACH.
3. Upon termination, an employee is required:
  - to continue to work until the last scheduled day of employment;
  - to turn in all reports and paperwork required to be completed by the employee when due and no later than the last day of work;
  - to return all files (including electronic), documents, equipment, keys, access cards, software or other property belonging to the company that are in the employee's possession, custody or control,
  - turn in all passwords to his/her supervisor; and
  - to participate in an exit interview as requested by the Human Resource Department.

### **6. Reports/Charts/Forms/Attachments/Cross References**

Performance Improvement Plan (PIP) and Employee Warning Notice:

[Burrell College of Osteopathic Medicine – Forms \(burrell.edu\)](http://burrell.edu)

### **7. Maintenance**

Human Resources; to be reviewed every January.

### **8. Signature**

Signature on File

11/30/21

VP Administration/CFO

Date

### **9. Distribution List**

Internal/External

### **10. Revision History**

Revision Date	Subsection #	Summary of Changes	New/Cancellation/ Replacement Procedure? (if applicable)	Approval Date
11.30.2021	5	Updated links and changed BCOM to Burrell		12.2.2021