

# EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

Rules of conduct for employees are intended to promote the orderly and efficient operation of the University, as well as protect the rights of all employees. Violations, therefore, shall be regarded as cause for disciplinary action.

These rules are published for the employees' information and protection. Ignorance of work rules is not an acceptable excuse for violation. It is each employee's responsibility to know the rules and abide by them. These rules are not all-inclusive, and other departmental or University regulations may exist. Employees are expected to know and abide by these rules as well. These rules supersede all previous university or departmental rules in conflict with them.

## RULES OF CONDUCT FOR WESTERN MICHIGAN UNIVERSITY EMPLOYEES REPRESENTED BY AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME)

The Department of Human Resources shall be consulted regarding the consistency of rule interpretation and appropriateness of the penalty being applied for violation of any of the following rules of Conduct.

### Section 1

For violation of any of the following rules, an employee shall be subject to penalties ranging from a formal written warning notice up to, and including, discharge.

- A. Neglect of duty.
- B. Insubordination or refusal to comply with employer's instructions, unless such instructions are injurious to the employee's safety and health.
- C.
  - 1. Immoral or indecent conduct;
  - 2. Conviction of a felony;
  - 3. Conviction of a misdemeanor involving moral turpitude while an employee of the University; or
  - 4. Violation of local, state, or federal law which causes unfavorable publicity to the University, impairs the credibility of the employee to perform the employee's job, or is otherwise connected to University employment.
- D. Intentional falsification of personnel records, payroll reports, or other University records.
- E. Theft, intentional destruction, or defacing of University, employee, or student property.
- F. Deliberate or careless conduct endangering the safety of self or other employees including the provocation or instigation of violence.
- G. Consuming alcoholic beverages while on duty, except at approved University functions, or the possession or consumption of illegal drugs.
- H. Abusive, threatening, or coercive treatment of another employee, a student, or a member of the public.
- I. Reporting for work in an unsafe condition, which includes but is not limited to, being under the influence of alcoholic beverages or drugs. An employee who so reports shall be sent home with pay pending investigation.
- J. Knowingly admitting an unauthorized person or persons into any locked or restricted building or area of the campus.
- K. Sleeping while on duty.
- L. Knowingly swiping/punching the time card of another, allowing one's time card to be swiped/punched by another or unauthorized altering of a time card.
- M. For other offenses of equal magnitude to the above.

When an employee engages in violation of the Section 1 rules and the conduct is committed off-duty and not on University property, the University may discipline the employee, up to and including discharge, whenever the conduct causes unfavorable publicity to the University, impairs the credibility of the employee to perform the employee's job, or is otherwise connected to employment at the University. Conduct that is off-duty but on University property or that is directed toward University students, employees, representatives, or property is always connected to employment at the University. Likewise, conduct that is on duty but off University property is always connected to employment at the University.

## Section 2

For the commission of any of the following offenses, an employee shall be subject to disciplinary action up to and including discharge. Disciplinary action for the same or different offenses shall progress in the following manner:

1. Verbal Warning-Notification and warning to employee.
2. Written reprimand-Formal notification in writing to employee.
3. Suspension-Loss of work and wages for a specified number of hours or days.
4. Discharge from University employment.

The employee will first receive a verbal warning for any Section 2 violation.

If an employee receives three (3) written warning notices for any combination of the same or different Section 2 offenses (including absenteeism/ tardiness) within a period of twelve (12) consecutive months, the employee shall be subject to a disciplinary suspension of not less than one (1) working day or more than one (1) work week. If an employee receives any combination of four (4) Section 2 written warning notices for the same or different offenses (including absenteeism/ tardiness) within a period of twelve (12) consecutive months, the employee shall, at the time of the insurance of the fourth such notice, be subject to discharge.

If an employee receives two (2) written warning notices for any combination of excessive absenteeism and/or excessive tardiness offences within a period of twelve (12) consecutive months, the employee shall be subject to a disciplinary suspension of not less than one (1) working day or more than one (1) work week. If an employee receives three (3) written warning notices for any combination of excessive absenteeism and/or excessive tardiness offences within a period of twelve (12) consecutive months, the employee shall, at the time of the insurance of the third such notice, be subject to discharge.

- A. Excessive absenteeism. Absenteeism is defined as being absent from work without approved leave (AWOL). A written warning will be issued for each period of continued absence of one (1) day or less when an employee is in an (AWOL) status. Employees who are in AWOL status as the result of a long-term absence when the employee used a minimum of 160 consecutive hours of paid leave will not receive a written warning for AWOL in the first 90 calendar days of the employee's return to work from that long-term absence. In order to be exempt from discipline under this 90-day provision, the employee must provide a physician's statement attesting to the employee's inability to work during the absences occurring during the 90-day period. This physician's statement must be submitted to the supervisor within two (2) working days of the employee's return to work.
- B. Excessive tardiness. Excessive tardiness is defined as any combination of three (3) or more instances of the following within six (6) consecutive pay periods: 1) swiping/punching a time card in after the start of the shift, 2) failing to swipe/punch a time card "in" or 3) being unprepared to begin work at the beginning of the shift. A tardiness of more than one hour will be counted as an instance of absence. Tardiness that is counted in one period for which a reprimand is issued shall not be counted in any other period for the purpose of determining excessive tardiness.
- C. Failing to swipe/punch a time card "out" on four (4) occasions within any six (6) consecutive pay periods.
- D. Inattentiveness to work, including but not limited to failing to start work at designated time, quitting work before proper time, or leaving assigned work area, building, or project without authorization from appropriate supervisor.
- E. Posting unauthorized materials on walls or bulletin boards; defacing or removing authorized material from bulletin boards.
- F. Violation of a safety rule or safety practice.
- G. Smoking in prohibited areas.
- H. Failing to report for work without giving the employee's supervisor or department head notice of absence prior to the start of the employee's shift. If it is impossible to give advance notice because of an emergency, notice must be given as soon after the start of such absence as possible and documentation of the emergency must be provided within two workdays after the employee's return to work.
- I. Vending, soliciting, or collecting contributions on the University's time or premises without prior appropriate authorization from the University.
- J. Gambling, lottery, or any other game of chance on the employer's premises during working hours.
- K. Any other offense of equal magnitude to the above.