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Counseling, Guidance, and Disciplinary Actions

Pittsburg State University is committed to providing a positive, supportive, and harmonious work environment where university support staff employees can perform to their best ability. PSU recognizes also that there are times when disciplinary action is necessary. First, it is important that performance and discipline problems be settled at the earliest stage possible through timely and appropriate verbal/oral reminders and written reminders by the employee's immediate supervisor. If, however, these departmental level actions do not correct the situation, the guidelines in our policy address formal disciplinary measures for employees who violate policies, fail to perform work satisfactorily or behave in a manner detrimental to the University.

Employees appointed to **temporary positions** may be dismissed at any time.

Employees appointed to **benefits-eligible positions** who are **probationary** because of a new appointment may be dismissed at any time prior to the end of the probation period.

Employees appointed to **benefits-eligible positions** who have **permanent status** may be disciplined for deficiencies in work performance and/or personal conduct. The disciplinary process may include dismissal, suspension, or demotion.

An employee may generally not be disciplined for deficiencies in work performance until he or she has received two performance evaluations in the 180 calendar days immediately preceding the effective date of the proposed action. The performance evaluations shall be spaced at least 30 calendar days apart. Action may be taken without the performance evaluations if the appropriate Vice President or Department Head (in the President's Division) determines that the good of the service will be best served by immediate action.

Please see the ["Performance Review"](#) section when addressing deficiencies in work performance.

Grounds for Disciplinary Action

1. Personal Conduct

Grounds for suspension, demotion, or dismissal of a permanent employee for personal conduct detrimental to state service include, but are not limited to, the following:

1. Gross misconduct or conduct grossly unbecoming a state employee.
2. Conviction of a criminal act.
3. Immoral conduct.
4. Willful abuse or misappropriation of state funds, materials, property, or equipment.
5. Making a false statement of material fact in the employee's application for employment or position description.
6. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, institution, department, or any other segment of state government.
7. Trespassing on the property of any state official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants or owners of such property.
8. Willful damage to or destruction of state property.
9. Willful endangerment of the lives or property of others, or both.
10. Possession of unauthorized firearms or other lethal weapons while on the job.
11. Performing duties in a brutal manner, or mistreating, neglecting, or abusing a patient, resident, or other person in the employee's care.
12. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
13. Being under the influence of alcohol or drugs while on the job.
14. Knowingly releasing confidential information from official records.
15. Use of the employee's state position, use of the employee's time on the state job, or use of state property or facilities by the employee in connection with political campaign.
16. Exhibiting other personal conduct detrimental to state service which could cause undue disruption on work or endanger the safety or property of others, as may be determined by the appropriate Vice President or Departmental Head (President's Division).
17. Gross carelessness or gross negligence.
18. Grossly improper use of state property.
19. Discrimination arising out of or in connection with employment.

2. Work Performance

Grounds for suspension, demotion, or dismissal, of a permanent employee for deficiencies in work performance include, but are not limited to, the following:

1. Inefficiency or incompetence in the performance of duties or inability to perform the duties.
2. Negligence in the performance of duties.

3. Careless, negligent, or improper use of state property.
4. Failure to maintain satisfactory and harmonious relationships with the public and fellow employees.
5. Habitual or flagrantly improper use of leave privileges.
6. A habitual pattern of failure to report for duty at the assigned time and place or to remain on duty.
7. Failure to obtain or maintain a current license or certificate or other authorization required to practice a trade, conduct a business, or practice a profession.

Disciplinary Action Steps

Progressive discipline is generally an oral warning, then written warning, then suspension, demotion or termination of employment; however, management has the right to determine the appropriate step(s) based on the severity of the action.

1. Oral Warning (Departmental Level)

The immediate supervisor meets with the employee to discuss the problem, identify the changes that are expected, listen to the employee's point of view, and determine actions that will be taken and a timetable for that action. The supervisor will document the discussion.

2. Written Warning (Departmental Level)

If the problem continues, the supervisor notifies the employee that the problem has not been resolved and a second conference is necessary. Following that conference, the supervisor will provide written notification that includes a statement of the problem, an additional opportunity to correct the problem and the time period, as well as disciplinary consequences if the problem is not corrected. The employee's signature is requested to acknowledge receipt, not necessarily agreement.

3. Suspension, Demotion, or Dismissal

If the problem is still not resolved, the next step is suspension, demotion, or dismissal of the employee. Departments request suspension, demotion, or dismissal of an employee to the appropriate Vice President or Department Head (President's Division) who then reviews the request.

If disciplinary action is proposed by a supervisor but the appropriate Vice President or Department Head (President's Division) needs time to investigate, the employee may be relieved of his or her duties or the duties may be changed for a limited time. The employee will be in pay status during this time.

If request is approved, the employee will receive written notice either by certified mail or personal delivery of the proposed action. The notice will indicate the effective date for the proposed disciplinary action. The proposed disciplinary action must be effective no sooner than three calendar days or no longer than 14 calendar days from the date of the notice. The employee may be relieved of duties with or without pay during this time.

Prior to the effective date of the proposed disciplinary action, the employee may appear in person or in writing before the appropriate Vice President or Department Head (President's Division). If the employee appears in person, he or she may be represented by a person of their choice.

Following the employee's response to the opportunity to reply to the proposed action, or upon expiration of the time for such reply, if no reply is made, the appropriate Vice President or Department Head (President's Division) shall notify the employee in writing of the final decision on the proposed action. The notice will be personally delivered or sent by certified mail.

If the employee is suspended, demoted, or dismissed, he or she may request a hearing before the Disciplinary Appeals and Grievance Board to determine the reasonableness of such action. To request a hearing, the employee must send a written request to Human Resource Services within 10 work days after the effective date of the action. The Board shall grant a hearing within 20 work days after receipt of such request.

Overview of a Disciplinary Action Appeals Hearing

The following is an overview of a Disciplinary Action Appeals Hearing.

1. The Disciplinary Appeals and Grievance Board should hear the appeal within 20 work days after the receipt of the appeal by the Director of Human Resource Services.
2. A Board member may recuse themselves if he or she feels that they cannot be fair and impartial.
3. Either party may provide reasonable justification that a Board member could not be fair and impartial. The PSU President will appoint an alternate if reasonable justification is provided.
4. The Board members will select a Chair who will oversee the hearing and will prepare the Board's decision.
5. The Board will determine reasonable time limits for opening and closing statements, witness testimony and other aspects of the appeal hearing.
6. Both parties must provide a list of witnesses and a copy of any written material or evidence they plan to present at the hearing prior to the hearing. Each party will receive a copy of the other party's witness list and written materials, as well as any other information pertinent to the hearing. Board members will also receive a copy of all materials prior to the hearing.
7. The employee may have another PSU employee who will act as his/her spokesperson or advisor. The employee must provide the name of the PSU employee who will assist the employee in advance. The employee who will advise or speak for the employee must use approved leave to participate in the hearing.
8. If the employee retains legal counsel, the legal counsel may advise the employee during the hearing and may not act as a spokesperson for the employee. The employee must provide the name of the legal counsel who will attend the hearing in advance.

9. The hearing will be recorded by means of audio.
10. Each party will make an opening statement and closing statement.
11. After the opening statement, each party will present its information, material, and witnesses to the Board. Board members and both parties may ask questions of witnesses.
12. The burden of proof shall be upon the employee to establish that the appropriate Vice President or Department Head (President's Division) did not act reasonably in suspending, demoting, or dismissing the employee, which means that the employee must prove by preponderance of the evidence that the disciplinary action taken was arbitrary, unreasonable, or without factual basis.
13. Assistance on procedural matters will be provided by a representative of Equal Opportunity or other designee as selected by the PSU President.

Board's Report

At the conclusion of the hearing, the Board will prepare a report to send to the parties within seven work days after the hearing.

Appeal of Board's Decision

If either party is not satisfied with the Disciplinary Appeals or Grievance Board report, he or she may appeal to the University President. The appeal must be made within five work days after receiving the Disciplinary Appeals or Grievance Board report. The President will inform the employee of his or her decision within 10 work days. The President will make the final decision for the University.

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