

Texas A&M University-San Antonio

32.02.02.00.01 Discipline and Dismissal of Nonfaculty Employees

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Procedure Statement

Nonfaculty employees of A&M-San Antonio are “at will” employees and may be dismissed from employment with or without cause in accordance with Texas A&M University System (System) Policy [32.02 *Discipline and Dismissal of Employees*](#). A&M-San Antonio supports the use of progressive discipline as described in System Regulation [32.02.02 *Discipline and Dismissal of Nonfaculty Employees*](#). This Procedure does not apply to student employees as defined in A&M-SA Rule [33.99.08.01 *Student Employment*](#).

Reason for Procedure

This Procedure describes the use of progressive discipline in resolving problems through corrective action. The University also recognizes that misconduct, violations of Policies and Procedures, and continued failure to correct performance problems may require disciplinary action. This Procedure defines the delegation of authority to approve corrective and disciplinary action and dismissals for nonfaculty employees and describes procedures unique to A&M-San Antonio in the administration of the discipline and dismissal Policy and Regulation.

Procedures and Responsibilities

1. GENERAL

- 1.1 Acts that may result in disciplinary action or dismissal include, but are not limited to, inadequate job performance, inadequate job knowledge, inappropriate conduct, excessive absenteeism or lateness, unauthorized leave of absence, or job abandonment. In addition, any employee who violates a law, Policy, Regulation, Rule, or Procedure is also subject to disciplinary action up to and including termination of employment.
- 1.2 The Human Resources Officer (HRO) must be consulted prior to any dismissal or taking any disciplinary action other than a verbal warning or coaching session.

1.3 In most cases, concerns can be addressed by the supervisor through counseling, action plans, and written warnings that provide guidance on conduct and performance expectations. For more serious situations, or if counseling does not achieve the desired results, the supervisor may consider one of the following progressive disciplinary actions:

1.3.1 Suspension without pay – an employee may be temporarily removed from duties without pay or be temporarily placed in a non-paid status. The appropriate Vice President must authorize any suspension without pay.

1.3.2 Suspension with pay – an employee may be suspended with pay for up to 30 business days upon finding that the suspension is in the best interest of the University or to investigate allegations against the employee.

1.3.2.1 Such suspensions require the appropriate Vice President’s approval and any delegation of authority under this section must be established in writing by the appropriate Vice President.

1.3.2.2 Additional time for a suspension beyond 30 business days may be granted by the appropriate Vice President.

1.3.2.3 When it is in the best interest of the University, suspension with pay may be used in cases that are unrelated to disciplinary action or investigations.

1.3.3 Transfer, demotion and/or reduction in salary – an employee may have their assigned duties, job title and/or salary realigned for disciplinary reasons.

1.3.4 Dismissal – an employee may be dismissed from A&M-San Antonio employment.

1.3.4.1 Before dismissing an employee, the supervisor must first seek guidance and approval from the division head, the HRO, and the appropriate Vice President or designee. The HRO will notify the System Office of General Counsel (OGC) for guidance and approval.

1.3.4.2 Employees will be notified of the dismissal in writing. The supervisor will consult with the HRO concerning all written documents related to the dismissal.

1.3.4.3 If appropriate, a minimum of two weeks’ advance notice will be given to a dismissed employee. In such cases, the employee will cease working effective immediately; however, the employee will continue to be paid for up to two weeks. Advance notice is not required for student workers, temporary workers or wage employees. Advance notice is also not required in cases of job abandonment.

1.4 All notifications to the employee regarding corrective or disciplinary reprimand actions must be made in writing. An employee should also be informed in the written

notification of the appeal procedure as described in Section 4. Copies of all documents pertaining to corrective action, disciplinary action or dismissal will be filed as part of the employee's official personnel records maintained in the Office of Human Resources.

- 1.5 Depending on the nature of the performance problem, misconduct, or violation of policies or procedures it may be in the best interest of the University to move immediately into personnel disciplinary action, up to and including dismissal.
- 1.6 The employee being disciplined or dismissed may be required to make restitution for damages to property or equipment, for theft, for unauthorized purchases, for unauthorized payment of wages, for unauthorized travel expenses, or other illegal or improper actions. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action and/or further discipline or dismissal. Dismissed employees are required to return all A&M-San Antonio and state property immediately upon notification of the dismissal. If University and state property is not returned promptly, the dismissed employee may be subject to legal action.

2. APPROVAL PROCEDURE

- 2.1 The HRO must be consulted prior to taking personnel correction action and personnel disciplinary action prior to issuing to the employee.
- 2.2 Per System Regulation [32.02.02 Discipline and Dismissal of Nonfaculty Employees](#), the HRO will consult with the System Office of General Counsel (OGC) to obtain their review and approval for legal sufficiency. Once OGC approval is received, the HRO will advise the requesting department that they may proceed with the employee's disciplinary action or dismissal.
- 2.3 The expiration of a wage position for reasons other than disciplinary action shall not constitute dismissal for purposes of this procedure.
- 2.4 If the offer letter includes appropriate contingency language regarding dismissal as a result of the end of expiration of contract or grant, or other established term of employment for reasons other than disciplinary action, the action shall not constitute dismissal for purposes of this Procedure.

3. FOLLOW-UP AND DOCUMENTATION RETENTION

- 3.1 The purpose of corrective and disciplinary action is to allow an employee a reasonable opportunity to meet requirements of the job and to correct work related problems. When the supervisor has determined the employee has corrected or resolved the problem, the supervisor may include an addendum to the official written notice to the employee noting the improvement and should reflect the improved performance in the next applicable annual evaluation.

- 3.2 Personnel corrective action documents, personnel disciplinary action documents and dismissal notices will be retained as part of the employee's official personnel records in compliance with System Regulation [61.99.01 Retention of State Records](#).

4. APPEAL OF DISCIPLINARY ACTION OR DISMISSAL

- 4.1 If an employee wishes to appeal any disciplinary action or dismissal from employment, the appeal must be made in accordance with the provisions of System Regulation [32.01.02 Complaint and Appeal Process for Non-Faculty Employees](#) and A&M-San Antonio Rule [32.01.02.01 Complaint and Appeal Process for Non-Faculty Employees](#). However an appeal alleging discrimination, sexual harassment and/or related retaliation must be filed in accordance with System Regulation [08.01.01 Civil Rights Compliance](#) and A&M-San Antonio Procedure [08.01.01.00.01 Civil Rights Compliance](#). Contact the HRO for assistance.

Definitions

Personnel Corrective Action: employment action not affecting pay or status; addressing inappropriate job related conduct or performance with employee and providing guidance on returning to acceptable standards.

Personnel Disciplinary Action: employment action affecting pay or status; addressing more serious incidents of inappropriate job-related conduct or performance or if corrective action does not achieve desired results.

Related Statutes, Policies, or Requirements

System Regulation [08.01.01 Civil Rights Compliance](#)

A&M-San Antonio Procedure [08.01.01.01.01 Civil Rights Compliance](#)

System Regulation [32.01.02 Complaint and Appeal Process for Non-faculty](#)

A&M-San Antonio Rule [32.01.02.01 Complaint and Appeal Process for Non-faculty](#)

System Policy [32.02 Discipline and Dismissal of Employees](#)

System Regulation [32.02.02 Discipline and Dismissal of Non-faculty Employees](#)

A&M-San Antonio Rule [33.99.08.01 Student Employment](#)

System Regulation [61.99.01 Retention of State Record](#)

Contact Office

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