

Classified Employee Separation and Discipline

Responsible Office:
VCU Human Resource Division

POLICY STATEMENT AND PURPOSE

Virginia Commonwealth University strives to provide all employees with satisfactory employment, to promote good employee/employer relationships, and to minimize areas of employee dissatisfaction.

This policy is consistent with State Policy 1.60, Standards of Conduct, which outlines standards of professional conduct and performance for classified employees and provides corrective action(s) to address problems. The Standards of Conduct should be carefully followed in all instances. Employee Relations staff should be consulted for assistance.

WHO SHOULD READ THIS POLICY

All classified employees and their managers should read this policy.

RELATED DOCUMENTS

State Policy 1.30, Layoff
State Policy 1.40, Performance Planning and Evaluation
State Policy 1.45, Probationary Period
State Policy 1.57, Severance Benefits
State Policy 1.60, Standards of Conduct
State Policy 1.70, Termination/Separation from State Service
Written Notice Form

CONTACTS

VCU Human Resources officially interprets this policy and shall revise or eliminate any or all parts as necessary to meet the changing needs of Virginia Commonwealth University. Please direct policy questions to VCU Human Resources.

Initial Policy Approved: 12/1/93
Revision History: 8/1/98
1/1/04

Last Revised 1/16/09

DEFINITIONS

Due Process

Oral or written notice to the employee that includes:

- nature of the offense;
- an explanation of the evidence in support of the charge(s); and
- a reasonable opportunity to respond to the charge(s) and evidence presented.

PROCEDURES

Voluntary Separation

Resignation - Normally, employees shall be expected to provide at least two weeks advance written notice to their supervisor when they intend to separate. Department heads and managers are expected to give a minimum of 30 days written notice. If the employee is moving from one University department to another, a different notice period may be negotiated to continue services with minimal disruption. Failure to give adequate notice may adversely affect eligibility for re-employment with the University.

Retirement - Normal retirement age for employees is 65, but is not mandatory. Virginia Retirement System (VRS) participants are eligible to retire at age 65 with at least five years of service or as early as age 50 with 30 years of service. A reduced benefit is available at age 50 with 10 years of service, or age 55 with five years of service.

Disability retirement - Disability retirement is available for employees in the traditional sick leave program for either a work-related or non-work-related disability. There is no length of service requirement for eligibility. Work-related disabilities must result from a cause found to be compensable under the Virginia Workers' Compensation Act.

Involuntary Separation

Managers should consult with Employee Relations for assistance with any involuntary separation.

Probationary Classified Staff - Probationary employees who fail to meet performance or workplace conduct standards should be separated or given the option to resign. Documented feedback and an evaluation of performance is encouraged with a performance progress review during probation. If the probationary employee's performance deteriorates after a satisfactory evaluation, he/she may be terminated within the remainder of the probationary period. The probationary employee also may be given the option to resign unless the performance or behavior issue is serious enough to warrant documentation of termination to render him/her ineligible for rehire. It is recommended that the probationary employee be given due process before a final termination decision is made.

Non-probationary Classified Staff - Employees may be separated after due process for unacceptable behavior/performance as described in the Standards of Conduct. The group offenses listed are intended to be illustrative but not all-inclusive. All formal discipline regarding group offenses must be recorded on a Written Notice Form. Although written notices become inactive after a set period of time, they are not removed from the employee's personnel file unless the grievance procedure determines that the notice was not justified or the issuing manager chooses to rescind the notice.

The Standards of Conduct also provide for termination due to circumstances that prevent an employee from performing the job, such as loss of or failure to receive required license, incarceration for an extended period, etc. After providing due process, the employee shall be notified of separation by letter or memorandum rather than by the Written Notice Form.

In addition, non-probationary classified employees may be removed for continued unsatisfactory performance evaluations according to State policy 1.40, Performance Planning and Evaluation and VCU's Classified Salary Administration Plan.

Other Disciplinary Actions

Managers should consult with Employee Relations for assistance with any disciplinary action.

Disciplinary Suspension - Suspension without pay may occur:

- as part of the Standards of Conduct's progressive discipline;
- pending agency disciplinary investigation; or
- pending court action or official investigation by a law enforcement agency.

Disciplinary Demotion - In lieu of termination, an employee's duties can be reduced or one's role can be changed to a lower pay band with approval from the Vice President and Human Resources. A minimum salary reduction of 5% is required.

Layoff

Classified employee layoffs may be initiated under circumstances such as economic conditions, reorganization, lack of work and/or job abolishment. Layoff may not be used to address performance or behavior issues.

If a reduction in workforce becomes necessary, the department head determines the number and role(s) of positions to be abolished. Prior to any employee notification, the department head will consult with Human Resources to identify specific layoff candidates and placement and severance benefits rights. Employee type and length of continuous State service shall decide the order of layoff and placement rights in accordance with State Policy, 1.30, Layoff. Severance benefits are determined by State Policy, 1.57

Pending layoffs of classified employees must be discussed with Human Resources prior to notifying any affected employee. Written notification, including benefit information for eligible employees, is given by Human Resources at least 10 workdays prior to the layoff effective date.