



## Classified Employee Separation and Discipline

**Policy Type:** Administrative

**Responsible Office:** VCU Human Resources, Vice President of Administration

**Initial Policy Approved:** 12/01/1993

**Current Revision Approved:** 04/05/2017

### Policy Statement and Purpose

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The purpose of this policy is to set forth the ways in which a classified employee may be separated from employment or disciplined while employed at the university.

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. VCU Human Resources Employee Relations (Employee Relations) staff should be consulted for assistance.

Noncompliance with this policy may result in disciplinary action up to and including termination. VCU supports an environment free from retaliation. Retaliation is prohibited against any employee who brings forth a good faith concern, asks a clarifying question or participates in an investigation.

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## Who Should Know This Policy

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All classified employees and their managers are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

## Definitions

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### Due Process

Oral or written notice to the employee that includes:

- The nature of the offense(s)
- An explanation of the evidence regarding the charge(s)
- A reasonable opportunity to respond to the charge(s) and evidence presented

## Contacts

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VCU Human Resources officially interprets this policy and is responsible for obtaining approval for any revisions as required by the policy *Creating and Maintaining Policies and Procedures* through the appropriate governance structures. Please direct policy questions to VCU Human Resources, Office of Employee Relations.

## Policy Specifics and Procedures

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### 1. Voluntary Separation

- Resignation: Normally, employees are expected to provide at least two weeks' advance written notice to their manager when they intend to separate employment. 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: The normal retirement date for employees depends on the Virginia Retirement System (VRS) plan in which they participate. Reduced benefits are available for those who retire earlier than the normal retirement date in accordance with the VRS plan provisions. There is no compulsory service retirement (mandatory retirement) except as permitted under §51.1-154 of the Code of Virginia.
- Disability retirement: Disability retirement is available for eligible 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.

### 2. 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 are encouraged with a performance progress review during probation. If the probationary employee's performance deteriorates after a satisfactory evaluation, the individual may be separated within the remainder of the probationary period. The probationary employee also may be given the option to resign unless the conduct or behavior issue is serious enough to warrant separation. It is recommended that the probationary employee be given written notice before a final separation of employment decision is made.
- Non-probationary Classified Staff: Employees are subject to separation only after due process for unacceptable behavior/performance as described in the Standards of Conduct. The group offenses listed in Attachment A to the Standards of Conduct 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 as specified in the Standards of Conduct, 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 separation of employment 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 must be notified of their employment separation by letter or memorandum rather than by the Written Notice Form.

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

3. **Other Disciplinary Actions:** Managers should consult with Employee Relations for assistance with any disciplinary separation.
  - Disciplinary Suspension: Suspension with pay may occur:
    - As part of the Standards of Conduct's progressive discipline
    - Pending agency disciplinary investigation
    - Pending court action or official investigation by a law enforcement agency
  - Disciplinary Suspension: In lieu of separation from employment, an employee's duties can be reduced or the employee's role can be changed to a lower pay band with approval from the appropriate vice president and VCU Human Resources. A minimum salary reduction of 5 percent is required.
4. **Layoff:** Classified employee layoffs are permitted to be initiated under such circumstances as economic conditions, reorganization, lack of work and/or job abolishment. Layoff is not permitted to 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 is required to consult with VCU Human Resources, Office of Workforce Strategies and Compensation Services to identify specific layoff candidates and placement and severance benefits rights.

Employee type and length of continuous salaried classified state service must be used to 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, must be given by Human Resources at least 10 workdays prior to the layoff effective date.

## Forms

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1. VCU Notice of Improvement Needed  
[http://hr.vcu.edu/media/hr/docs/forms/EWP\\_Notece\\_Improvement\\_Needed.doc](http://hr.vcu.edu/media/hr/docs/forms/EWP_Notece_Improvement_Needed.doc)
2. VCU Performance Evaluation Form  
[http://hr.vcu.edu/media/hr/docs/forms/EWP\\_Performance\\_Evaluation.doc](http://hr.vcu.edu/media/hr/docs/forms/EWP_Performance_Evaluation.doc)
3. VCU Probationary Progress Review Form  
[http://hr.vcu.edu/media/hr/docs/forms/EWP\\_ProbationaryProgress.doc](http://hr.vcu.edu/media/hr/docs/forms/EWP_ProbationaryProgress.doc)
4. Written Notice Form  
[http://hr.vcu.edu/media/hr/docs/forms/Written\\_Notice.doc](http://hr.vcu.edu/media/hr/docs/forms/Written_Notice.doc)

## Related Documents

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1. State Policy 1.30, Layoff
2. State Policy 1.40, Performance Planning and Evaluation
3. State Policy 1.45, Probationary Period
4. State Policy 1.57, Severance Benefits
5. State Policy 1.60, Standards of Conduct
6. State Policy 1.60, Attachment A: Examples of Offenses Grouped by Level
7. State Policy 1.70, Termination/Separation from State Service

## Revision History

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This policy supersedes the following archived policies:

December 1, 1993	<i>Classified Employee Separation and Discipline</i>
August 1, 1998	<i>Classified Employee Separation and Discipline</i>
January 1, 2004	<i>Classified Employee Separation and Discipline</i>
January 16, 2009	<i>Classified Employee Separation and Discipline</i>
April 10, 2011	<i>Classified Employee Separation and Discipline</i>
April 10, 2014	<i>Classified Employee Separation and Discipline</i>

## FAQ

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There are no FAQ associated with this policy and procedures.