



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

**HSCEP OP:** 70.31, **Employee Conduct, Coaching, Corrective Action and Separation from Employment**

**PURPOSE:** The purpose of this Health Sciences Center El Paso Operating Policy and Procedure (HSCEP OP) is to provide guidelines for employee conduct and performance and for effective corrective action when problems arise in an employee’s conduct or work. This policy also provides information and guidance for separation or termination of employment. For faculty employees see also [HSCEP OP 60.01, Tenure and Promotion Policy](#).

**REVIEW:** This HSCEP OP will be reviewed in March of each odd numbered year (ONY) by the Assistant Vice President for Human Resources, with recommendations for revisions submitted to the Chief Financial Officer by March 15.

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### **POLICY / PROCEDURE:**

#### 1. **Definitions of Terms:**

- A. **TTUHSC El Paso or institution** refers to the Texas Tech University Health Sciences Center El Paso. The **TTU System** refers to the Texas Tech University System.
- B. **Public trust** in TTUHSC El Paso is a critical factor to the institution’s ability to attract and retain highly qualified students, faculty and staff, to solicit and receive appropriations and funds, to be awarded grants and contracts, to fulfill its mission, and to serve the public.
- C. **Employment-at-Will refers to** the relationship which exists between TTUHSC El Paso and each employee whereby either TTUHSC El Paso or the employee may sever the employment relationship at any time with or without notice and with or without cause.
- D. An **Employee** refers to a person hired by TTUHSC El Paso in accordance with federal and state regulations and TTUHSC El Paso employment policies and processes and is regarded by TTUHSC El Paso to be in a state of employment with the institution. An employee is paid wages through the TTU System payroll system, receives a W-2, and receives benefits according to established benefits policies. For faculty employees, see also [HSCEP OP 60.01, Tenure and Promotion Policy](#).
- E. A **Department Official** is the Director, Administrator, Chair, or other official responsible for the department in which the employee works.
- F. The **Executive Official** refers to the Dean or Executive Vice President or designee appointed by the President with the authority to separate or terminate the employment of an employee.
- G. **Notice** refers to the disclosure by TTUHSC El Paso or the employee of intent to separate employment made prior to the intended effective date of separation.

- H. **Performance standards** refers to expectations, rules, policies or procedures governing employee conduct and work. Performance standards may be established in written documents such as *Regent's Rules* and policies, position descriptions, department procedures manuals, performance evaluations, or in corrective action notices or communicated by other means such as coaching discussions or on-line training.
- I. **Performance coaching** referring to an informal corrective action established by this policy which may be verbally communicated or documented using the [Performance Coaching Record](#).
- J. **Formal corrective actions** are established by this policy for use when an employee's performance or conduct does not meet expectations to the extent that formal documented corrective action is warranted. Formal corrective actions are documented using the [Formal Corrective Action Record](#) and entered into the employee's permanent personnel record.
- K. **Termination for Misconduct** refers to a process administered by TTUHSC El Paso whereby the employment relationship with an employee is terminated due to the employee's violation of conduct or work standards.
- L. **Voluntary separation** of employment occurs when the employee initiates the separation by resigning, quitting without notice, failing to return from leave, or failing to report to work for three consecutive days without providing proper notice to the department.
- M. **Administrative separations** of employment are those initiated by the institution in response to reorganizations, funding factors, reductions in force, completion of work projects, operating issues, employee credentials and training issues, or other factors considered by the institution.

2. **Employment statements:**

- A. TTUHSC El Paso does not discriminate in its employment decisions, including those addressed in this policy, based on an employee's sex, race, color, national origin, religion, age, individuals with disabilities, genetic information, status as a protected veteran, or any other legally protected category, class, or characteristic or on the basis of an employee's sexual orientation or gender identity.
- B. Nothing in this policy is intended to create a property right of employment, a right to notice or of procedural due process, a contractual employment relationship or a guarantee of continued employment. Employment is for no fixed period.
- C. In administering this policy, the institution does not waive any of its options under its employment-at-will doctrine. TTUHSC El Paso or the employee may sever the employment relationship at any time with or without notice or with or without cause. Employees exercising TTUHSC El Paso employment-at-will options shall not be subject to corrective action for terminating their employment without notice.
- D. Each employee upon employment and as requested thereafter will acknowledge receipt and review of this policy and other important employment information by signing an Employee Acknowledgement form.

**PERFORMANCE STANDARDS AND RESPONSIBILITIES:**

- 3. TTUHSC El Paso is a state institution employing thousands of individuals who provide advanced education, health care or health sciences research as well as executive, administrative and operational support services. To earn and hold the public's trust and to accomplish its mission,

TTUHSC El Paso sets and manages high performance standards of conduct and work for its employees.

- A. It is the responsibility of all employees to become informed of the performance standards established to guide their conduct and work and to align their behaviors and work to meet or exceed the performance standards.
- B. It is the responsibility of supervisors and department officials to hire the best qualified applicants and to properly orient, train, develop, direct, evaluate, and coach their employees, and to ensure that the performance standards of TTUHSC El Paso and of the department and position are being met consistently.
- C. Examples of the performance standards of conduct and work expected of employees include, but are not limited to:
  - 1) behaving in all interpersonal interactions in a respectful, considerate manner,
  - 2) communicating, reporting and documenting accurately, honestly and in good faith,
  - 3) performing work to the best of one's ability, making the best use of the institution's resources and assets, including one's work time, solely to the authorized benefit of the institution,
  - 4) contributing to the institution's safe and violence free workplace,
  - 5) supporting and promoting compliance with the institution's policies and with federal and state regulations,
  - 6) earning and maintaining the public's trust.
- D. Examples of employee conduct or work performance which would be inconsistent with the high standards set by the institution and which would breach the public's trust include, but are not limited to:
  - 1) use of force, or of violent, abusive, bullying, threatening, stalking, intimidating, antagonistic, harassing, or retaliating behaviors,
  - 2) committing unlawful, discriminatory decisions or acts,
  - 3) sexual harassment, lewd, indecent or obscene conduct or communications,
  - 4) violations of weapons, drug, or alcohol use or possession laws or policies,
  - 5) violations of safety rules, contributing to a hazardous, unsafe, or unsanitary work environment, conduct which endangers the health and safety of others,
  - 6) being unfit for duty, working impaired under the influence of drugs or alcohol,
  - 7) disorderly conduct, or conduct which disrupts the operations of the institution, department, or work of others, or which disrupts the use by others of the institution,
  - 8) conduct, on or off campus, which breaches the public trust or negatively impacts the institution,
  - 9) intentional or neglectful destruction or abuse of property, operating systems or assets of the institution, unauthorized entry to or use of property, facilities,

- operating systems, or vehicles,
- 10) theft, fraud, waste, misuse or diversion of funds, resources, assets, supplies, materials, work time, or of the property of TTUHSC El Paso community and visitors,
  - 11) unauthorized access to, use of, or release of confidential or protected information including student records (FERPA), and protected health information (PHI and HIPAA),
  - 12) failure to report threats, incidents, crimes, hazards, violations of laws or policies,
  - 13) failure to report placement on a sex or violent offender registry or on any healthcare sanctions list, or of revocation, suspension or failure to maintain licensure, certification, or credential required of the job,
  - 14) knowingly furnishing false information, making false claims, withholding information, impeding an investigation, or influencing or intimidating witnesses,
  - 15) forging, altering, or misusing documents, information, or identification materials,
  - 16) academic dishonesty, cheating, plagiarism, giving or receiving unauthorized aid on an exam or unauthorized altering of grades or of student records,
  - 17) failure to comply with lawful directives of officials or supervisors,
  - 18) neglect of duties, failure to respond when on call or when serving as a designated essential employee during an emergency,
  - 19) excessive unscheduled or unauthorized absences or tardiness from work,
  - 20) refusal to submit to drug or alcohol testing,
  - 21) failure to complete required training, competencies or credentials by deadlines,
  - 22) an employee shall only operate TTUHSC El Paso-owned vehicles to conduct official TTUHSC El Paso business.
  - 23) use of these vehicles for any political campaign or for personal reasons is specifically prohibited, in accordance with the current General Appropriations Act.
  - 24) funds administered by TTUHSC El Paso, regardless of their source or character shall only be used by an employee for duly authorized TTUHSC El Paso business, projects and programs. Use of funds for influencing the outcome of an election or the passage or defeat of any legislative measure is specifically prohibited.
  - 25) an employee may not have any interest in, or engage in, any business or professional activity or incur any obligation which is in substantial conflict with the proper discharge of assigned duties for TTUHSC El Paso. In accordance with Texas Government Code, Section 572.051, specifically, no employee shall:
    - a. accept or solicit any gift, favor or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct,

- b. accept other employment or engage in any business or professional activity that the employee might reasonably expect would require or induce disclosure of confidential information acquired by reason of the employee's official position,
  - c. accept other employment or compensation which could reasonably be expected to impair independence of judgment in the performance of official duties,
  - d. make personal investments which could reasonably be expected to create a substantial conflict between private interest and the public interest; or intentionally or knowingly solicit, accept or agree to accept any benefit for having exercised official powers or performed official duties in favor of another.
- 26) failure to comply with federal and state regulations which apply to the institution, employment or the workplace and of the rules of the TTU System Board of Regents including *Regent's Rules*, Chapter 3 – Personnel, and of TTUHSC El Paso operating policies including [HSCEP OP 52.06, Standards of Conduct and Ethics Guide](#).
- E. Each employee (faculty and staff) is required to notify his or her supervisor in writing, with a copy sent to the Assistant Vice President for Human Resources, within three (3) business days of any conviction, other than minor traffic violations, which is received during the term of employment in accordance with [HSCEP OP 70.20, Employment Background Screening Policy](#). Failure to report a conviction may be considered grounds for termination for cause. Convictions will be reviewed, and a determination concerning continued employment will be made by the Assistant Vice President, the employee's supervisor, and the appropriate Dean or Vice President.

#### **THE CORRECTIVE ACTION PROCESS:**

4. Should performance concerns exist, corrective action may be needed. The supervisor should initiate the appropriate corrective action which may include informal discussion, performance coaching, formal corrective action(s), or termination of employment for misconduct.

In preparing to administer a corrective action the supervisor should refer to this policy. Information and forms associated with this policy are available on Human Resources' web site.

Supervisors may contact the Human Resources Department for guidance in resolving employee performance concerns or in administering this policy.

- A. Corrective actions may begin at any level up to and including termination, as reflected by the nature of the concern and the decision of the institution.
- B. A corrective action or performance improvement plan does not create an employment contract or a promise of continued employment.
- C. Corrective actions should be administered using sound management practices including;
  - 1) treating the employee with dignity at all times,
  - 2) involving the employee, when possible, in the solution to the problem,
  - 3) being timely in initiating a corrective action as close to the event as reasonable,

- 4) maintaining confidentiality to the extent reasonable,
- 5) conducting a thorough investigation of the concern or event,
- 6) communicating and documenting effectively,
- 7) acting in the best interest of TTUHSC El Paso.

D. **Informal coaching discussions** may be appropriate when an employee commits an occasional lapse in meeting a performance standard, for example, arriving to work late.

- 1) The discussion should occur as close in time to the event as reasonable. The informal coaching discussion is a good opportunity to review the performance standard again.
- 2) The employee should be invited to identify and discuss ideas for correcting the performance issue.
- 3) The discussion should be summarized in an email to the employee and saved in the supervisor's documents file. Documentation of the informal coaching discussion is not entered into the employee's personnel file.

E. **Performance coaching** may be used when a more structured problem solving process is determined by the supervisor to be appropriate.

- 1) The [Performance Coaching Record](#) should be used to document the coaching.
- 2) Specific examples and details of the performance concern should be presented.
- 3) Performance coaching is an interactive process involving the employee in ensuring the understanding by the employee of the concerns and in developing performance improvement plans.
- 4) The supervisor should review this policy with the employee and discuss next possible steps if the performance concern is not successfully resolved.
- 5) Performance coaching documents are not entered into the employee's personnel file but should be maintained in the supervisor's documents file.

F. **Formal corrective action** may be presented in three formats: Notice of Corrective Action, Notice of Corrective Action with Suspension or Final Notice of Corrective Action. Selection of the format appropriate for the conduct or work performance being addressed should reflect the nature of the performance issue, previous corrective action efforts and the decision of the institution.

- 1) The [Formal Corrective Action Record](#) should be used to document formal corrective actions.
- 2) The Notice of Corrective Action with Suspension and the Final Notice of Corrective Action requires review and concurrence by the Assistant Vice President for Human Resources or designee prior to presentation to the employee.
- 3) The [Formal Corrective Action Record](#) must be forwarded to the Human Resources Department following presentation to the employee as soon as reasonable.
- 4) All Formal Corrective Action Record will be entered into the employee's personnel

file.

- 5) An employee receiving a formal corrective action may submit a written response to the Human Resources Department and request the response be entered into his or her personnel file.
- 6) An employee receiving a formal corrective action will not be eligible for transfer or promotion for a period of six months from the date the [Formal Corrective Action Record](#) was presented to the employee.

G. **Corrective Actions** will be reviewed for EEO compliance.

## **SEPARATION OF EMPLOYMENT:**

### **5. Giving Notice:**

- A. Employees voluntarily separating from employment are asked to provide as much notice to their department as possible to minimize the impact of their departure on the institution. Non-exempt employees are asked to provide at least two weeks' notice when possible. Professional or exempt employees are asked to provide at least thirty (30) calendar days of notice if possible.
- B. Employees being separated due to a reduction in force may be provided 30 days of notice. See [HSCEP OP 70.23, Reduction in Force Policy](#).
- C. Employees are required to continue performing the assigned duties and working their assigned work schedules during their notice periods.
- D. If, during the notice period, it is determined by the institution that the employee's continued presence in the workplace poses a risk to the institution or the employee's performance does not meet expectations the institution may terminate the employee.

### **6. Authorization to Separate Employment or Termination:**

- A. Supervisors and department officials are authorized only to request the separation or termination of an employee following the processes established in this policy.
- B. Review of the department's recommendation to separate or to terminate the employment of an employee is required by the Assistant Vice President for Human Resources or designee prior to separating or terminating an employee.
- C. Only the TTU System Chancellor, TTUHSC El Paso President, or executive official appointed by the TTU System Chancellor or TTUHSC El Paso President for this role has the authority to separate or terminate the employment of an employee.

### **7. The Separation or Termination Process:**

- A. Supervisors and department officials should consult with the Human Resources Department's Assistant Vice President or designee as needed in administering separations or terminations of employment, especially in cases of complex administrative separations or terminations for misconduct.
- B. Student employee separations are processed using only the institution's ePAF process.
- C. Voluntary separations of employees who provide written notice of resignation are processed using only the institution's ePAF process. The letter of resignation must be

attached to the ePAF.

D. All other voluntary separations, administrative separations and terminations for misconduct are processed using the following procedures:

- 1) A memorandum requesting separation of employment (for voluntary and administrative separations) or requesting to terminate for misconduct is prepared by the department official. The memorandum should be addressed to the executive official who has the authority to approve separations or terminations for misconduct for the department. The memorandum should summarize the reason for the separation or termination and provide information essential for the review of the request.
- 2) For voluntary and administrative separations, a letter notifying the employee of his or her separation should be prepared by the department official on the department's letter head, addressed to the employee at his or her address of record, and dated with the recommended effective date of termination. The letter should inform the employee of the separation, the reason for the separation and the effective date. The letter, signed by the department official, will be included as an attachment to the [Separation or Termination of Employment Record](#).
- 3) Termination for Misconduct is the final corrective action taken by the institution to respond to or resolve performance issues. Termination for Misconduct may be the only corrective action taken or it may be administered when other corrective actions have not proven effective.

For terminations for misconduct the department official will complete a Notice of Termination, signed by the department official, will be included as an attachment to the [Separation or Termination of Employment Record](#).

- 4) A [Separation or Termination of Employment Record](#) should be completed with the appropriate supporting documents, signed by the supervisor and department official, and presented to the Human Resources Department' Assistant Vice President for Human Resources or designee for review.
- 5) Upon review and concurrence, the Assistant Vice President for Human Resources or designee will sign the [Separation or Termination of Employment Record](#) and present the packet to the appropriate TTUHSC El Paso executive official for his/her review and decision.
- 6) If approved, TTUHSC El Paso executive official will sign the [Separation or Termination of Employment Record](#) and return the documents to the Executive Director of Human Resources or designee for processing and referral back to the department.
- 7) The supervisor and / or department official should meet with the employee if possible, present the notification of separation or termination letter and provide any additional information and guidance regarding the exit process. See [HSCEP OP 70.19, Exit Interview and Separation Checkout Procedures](#) for more information on the exit interview and separation from employment process.
- 8) The department initiates the ePAF process, including the [Separation or Termination of Employment Record](#) and the Letter to the employee as attachments and completes its exit processes.

**8. Effective Date of Separation or Termination:**



- A. The effective date of the employee's separation or termination shall be the date the TTU System Chancellor, TTUHSC El Paso President or executive official designee approves, signs, and dates the [Separation or Termination of Employment Record](#).
  - B. The employee may remain active in the payroll system until such time as required by the payroll system to ensure proper payment of time worked and paid leave for which the employee is eligible.
9. **Violations** of this policy or failure to follow the procedures provided in this policy may lead to corrective action up to and including termination of employment.
10. **Right to Change Policy:** TTUHSC El Paso reserves the right to change, modify, amend or rescind this policy in whole or part at any time and without advance notice to or consent of any employee.

**AUTHORITATIVE REFERENCES** include, but are not limited to, the following:

[Regent's Rules, Chapter 3](#), Personnel  
[HSCEP OP 52.04](#), Report & TTUHSC El Paso Internal Investigation of Alleged Violations, Non-Retaliation  
[HSCEP OP 52.06](#), Standards of Conduct and Ethics Guide  
[HSCEP OP 70.10](#), Non-Faculty Employee Complaint Procedures  
[HSCEP OP 70.20](#), Employment Background Screening Policy  
[HSCEP OP 70.23](#), Reduction in Force Policy  
[HSCEP OP 70.39](#), Drug-Free Workplace Policy  
[HSCEP OP 76.08](#), Violence and Workplace Threats