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CHAPTER 7: STANDARDS OF CONDUCT AND EMPLOYEE DISCIPLINE

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7.01 SEXUAL HARASSMENT POLICY (Updated 03/04)

HAM-TMC Library Policy

The HAM-TMC Library is committed to providing its employees with a work environment that is free of discrimination. As part of its commitment, the Library maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy applies to all the Library's agents and employees, including all supervisors, management employees and non-supervisory employees. This policy extends to and prohibits harassment in any form, including but not limited to, verbal, physical and visual harassment.

Sexual harassment is a violation of the law under Title VII Civil Rights Act of 1964 and is against the policy of the Library. Sexual harassment includes, but is not limited to, the making of sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- 1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment;
- 2. Submission to or rejection of such conduct is used as the basis for employment decisions (i.e., hiring, promotion, increase/decrease in pay, transfer, job assignment, termination, etc.); or
- 3. Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance, or creates an intimidating, hostile or offensive working environment.

The Employee's Responsibility

The Library, in order to enforce its commitment to providing its employees with a workplace free of sexual harassment, has adopted specific procedures to ensure compliance with the Library's legal and professional obligations. These procedures, which are listed below, must be followed by all employees so that the Library can provide a workplace free of sexual harassment. Without the assistance of each employee, acting in compliance with these procedures, no such guarantee is possible.

Reporting and Investigation Procedures

- 1. It is the obligation of the individual employee who believes he or she is a victim of sexual harassment, or is being forced to work in a sexually offensive work environment, to immediately bring the matter to the attention of Human Resources.
- 2. It is the responsibility of each employee who is aware of an incident of sexual harassment, or of the existence of a sexually offensive work environment, to immediately bring the matter to the attention of Human Resources.
- 3. All complaints concerning sexual harassment should be treated in the strictest confidence by the reporting employee. Any reported incident will be kept as confidential as possible by the Library, consistent with making a thorough investigation.

- 4. All sexual harassment reports will be thoroughly investigated. If it is determined that a complaint is well founded, prompt and corrective action will be taken.
- 5. Employees who are found to have engaged in sexual harassment or who have contributed to creating a sexually offensive work environment will be subject to appropriate discipline, including but not limited to termination.

The Library is very aware of the sensitivity and complexity surrounding the issue of sexual harassment and will make every effort to take corrective measures on a confidential basis when the need arises and when such is promptly brought to the attention of the designated Library Personnel.

7.02 SUBSTANCE ABUSE POLICY (Updated 03/04)

The possession, use or being under the influence of any intoxicant, controlled substance, illegal drug or unauthorized prescription drug is prohibited. This proscription is intended to apply to the workplace and to any adverse effects, which either interfere or potentially interfere with an individual's employment at the HAM-TMC Library.

The Library reserves the right to require that any employee suspected of a violation be referred to University of Texas Employee Assistance Program (UTEAP). The UTEAP counselor will assess the individual's condition to determine how likely it is that the observed behavior might be caused by drug or alcohol use. The employee will be expected to adhere to the UTEAP counselor's treatment recommendation(s). Employees who refuse to report to the UTEAP or fail to obtain recommended treatment(s) will be subject to disciplinary action up to and including termination.

The Library is anxious to help any employee of the Library who may have a drug or alcohol dependency problem. Employees who identify themselves will be counseled and may, at their option, participate in the UT Employee Assistance Program. Employees who identify themselves in order to obtain counseling or other treatment will not be disciplined based upon that self-identification.

Sanctions - Any employee who is convicted under a criminal statute for a drug-related offense occurring in the workplace is required to notify his or her immediate supervisor not later than five days after such conviction. In turn, the supervisor is required to inform Human Resources immediately after receiving notice of such conviction to provide for the Library's compliance with federal law. The Drug-Free Workplace Act for 1988 requires the Library to notify the contracting agency within 10 days after receiving notice that an employee who is working on certain federally funded contracts and grants has been convicted of a drug-related offense under a criminal statute. A felony conviction of a violation of any criminal drug statue for use, possession, dispersion, distribution, or manufacture of an illegal rug within the HAM-TMC Library workplace will result in termination of employment.

7.03 SMOKING POLICY (Updated 01/04)

According to the City of Houston Code of Ordinances, Section 21-239, employers are required to have a written no smoking policy that accommodates the desires of both smokers and non-smokers.

Smoking is not permitted in the Library. Anyone wishing to smoke may do so outside the building. The designated smoking area is located on the street level, on the west side of the building by Webber Plaza.

7.04 DRESS POLICY (Updated 01/04)

The Library is a business and employees are expected to dress in a professional and business-like manner, the way a staff member presents herself or himself affects the image of the Library.

There are certain jobs in the Library that require care concerning clothing. Supervisors can provide guidelines for their employees.

7.05 CRITICAL INCIDENT (Updated 01/04)

Supervisors are responsible for recording performance or behavior problems.

The Critical Incident Report (<u>see Appendix F, Form #7.05</u>) is designed for use when there are severe performance problems. The decision to complete a Critical Incident Report on an employee should be decided by the supervisor in conjunction with upper management, including Human Resources

Human Resources should review and approve the report **before** the report is presented to the employee. Human Resources approval will be indicated by signature on the form.

The report should describe the incident and should also indicate the action taken by the supervisor in response to the incident. <u>Action taken should include counseling the individual</u> involved.

7.06 PROBATIONARY PERIODS (Updated 01/04)

Probation is a trial period that continues the process of determining the suitability of the employee for the position that was begun in the employment interview. At the end of the probationary period, the employee will either become a regular staff member or will be terminated. Probation may be extended by agreement between the supervisor and Human Resources

During the probationary period the new employee's performance and behavior should be carefully evaluated. Regular, informal performance reviews should give the new employee a clear idea of his or her success in the job.

Additionally, probation is the time when the ability of the new employee to work effectively with other employees must be determined. The question of "fit" into the department or the organization must be considered. Since an employee may work in a position for many years, it is important to determine that he or she will have a positive impact on the working climate in the Library.

Performance and behavior problems during the probationary period should be discussed with the employee. Serious behavior or performance problems should be documented. The documentation should be forwarded to Human Resources for reviewing and filing.

If, at any time during the probationary period, the supervisor and Human Resources agree that the employee's continued employment is not in the best interest of the Library, the employee may be dismissed with two weeks notice. In exceptional circumstances, where the employee's continued presence might be disruptive, two weeks pay may be given and the termination may take effect immediately. The decision to dismiss in this manner will be made by the supervisor and the Executive Director. In this latter case (immediate dismissal), the supervisor should prepare for the Human Resources file a statement explaining the circumstances leading to the termination.

At the end of the probationary period, Human Resources prepares the "Probationary Status Change" (*see Appendix F, Form # 7.06*) and forwards it to the supervisor. After completion the supervisor returns the completed form to Human Resources to be filed. Probation should not extend more than 90 additional days.

NOTE: Completion of probation does not mean lifetime employment.

7.061 Probationary Period for Support Staff

A new part-time employee is on probation for three months from the first day of work.

A new full-time employee is on probation for a period of six months.

7.062 Probationary Period for Librarian/Professional Staff

The principles governing the Librarians/Professionals probationary period are the same as those governing the support staff probationary period except:

- 1. All extensions of probation must be approved by the Executive Director.
- 2. In the event of a decision to terminate, either during or at the end of the probationary period, one month's notice will be given. In cases of immediate dismissal, one month's pay may be provided.

7.063 Transfers and Promotions (Updated 01/04)

Lateral Transfers & Promotions During Probationary Period

To be eligible for a transfer or promotion, an employee must not be on initial or disciplinary probation.

Probationary Period for Employees Promoted or Transferred

When an employee is promoted, transferred or changes positions substantially, he/she is considered to be on probation in the new position.

7.07 DISMISSAL POLICY (Updated 01/04)

The department head has the responsibility to document unsatisfactory work performance or conduct which may lead to dismissal. All problems must be brought to the attention of Human Resources who will inform the Executive Director.

An employee may be dismissed immediately for the following reasons, which constitute gross misconduct:

- 1. Dishonesty or theft.
- 2. Willful neglect of duty or refusal to perform work as assigned or directed.
- 3. Falsification of records.
- 4. Gross misconduct or other actions determined by the Executive Director to be detrimental to the Library. The supervisor, Department Head, and Human Resources would also be involved.

7.071 Dismissal Procedure for Regular Status Employees

The Library offers no contracts for employment, nor can it offer tenure.

In cases where an employee is consistently failing to fulfill his/her areas of responsibility as defined in the job description, is lacking in professionalism in carrying out those responsibilities, or is in some significant way failing to contribute to the team effort required by all staff, then termination of employment will result. In most cases, dismissal will be preceded by oral and written warning (Critical Incident Report(s) or Performance Appraisal Form) from the supervisor. Evidence of appropriate counseling between the supervisor and the employee should appear in the Human Resources records.

7.072 Immediate Dismissal Procedure for Regular Status Employees

A staff member may be dismissed immediately when continuation of employment would be seriously detrimental to the Library. In extreme cases where immediate dismissal is necessary, the Executive Director holds the prerogative to terminate with no previous warning.

In cases requiring immediate action when neither Human Resources nor the Executive Director is available, a staff member can be suspended (temporarily removed from the job without pay) by the immediate supervisor or the person in charge until further action can be taken. Such cases would include but are not limited to insubordination and gross misconduct.

No termination is effective until approved by the Executive Director.

7.08 EXCESSIVE ABSENTEEISM (Updated 01/04)

When a pattern of excessive absenteeism occurs, appropriate corrective action will be taken. This action will follow progressive steps ranging from a discussion of the problem with the employee to the development of a recommendation to the Executive Director for a dismissal.

An employee may be considered to be excessively absent when:

- 1. An examination of the reasons for the absence or absences fails to satisfy supervision that sufficient justification existed.
- 2. Absences over a period of time form a questionable pattern of:
 - a. Continuous liquidation of sick leave almost as soon as it is accumulated.
 - b. Absence from duty two or more days a month on a recurring basis.
 - c. Absence on a regular continuing basis on a given day of the week such as the day before or the day after regularly scheduled days off or following paydays or holidays.
 - d. Absence on an intermittent basis due to chronic ill health where the employee has not taken the necessary steps to eliminate or alleviate the conditions causing the absences where this is possible.
 - e. Any other pattern that raises questions about the validity of the reasons for the absences.

7.09 GRIEVANCE PROCEDURE (Updated 01/04)

The Library has an informal, straightforward grievance procedure aimed at resolving a problem directly at its source in the shortest time possible.

<u>Discussion with immediate supervisor</u>. An individual with a complaint or problem should first talk with his/her supervisor. Most problems can be resolved at this basic level.

<u>Appeal upward</u>. If the supervisor, or if the supervisor does not solve the problem within a reasonable period of time, the individual can appeal to the next level of Library management (such as a department head).

If the grievance involves the immediate supervisor the individual can appeal to the next level of Library Management (such as an Associate Director). This procedure should be followed as quickly as possible. An individual may be asked to document the grievance at some point in the procedure for the Human Resources file. If a Level IV Librarian/Professional wishes to contest a dismissal, there is recourse through the Library Board.

7.10 REPORT OF EXCELLENCE (Updated 01/04)

The Report of Excellence (<u>see Appendix F, Form # 7.10</u>) has been designed for Supervisors to recognize performance or service that is superior and to record it for future evaluation purposes. This report will become a permanent part of an employee's record.

In completion of the report supervisors should be sure to cite specific incidents and relate why you feel a Report of Excellence is warranted. This information will be useful for future supervisors and for future performance appraisals.