



Valdosta State University
Human Resources & Employee Development
Policies and Procedures

Employee & Employer Relations

The working environment is extremely important to each of us and should be a very positive factor in that we spend the majority of our adult life in career pursuits. To this end, the University makes every effort to enhance the working conditions and expects employees to accept a similar responsibility.

Occasionally, it becomes necessary to correct employee work habits or for the employee to call attention to inequities or other work-related problems he or she encounters. While these actions are normally attempted and accomplished in an informal, personal setting, it sometimes becomes necessary to pursue more formal avenues of corrective action and/or recourse.

Such actions should not be taken lightly or initiated indiscriminately by the employee or employer if we are to achieve a positive employee/employer relationship. **Please contact Human Resources and Employee Development for assistance before undertaking corrective action.**

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SECTION 806.01

Employee Counseling.

In most situations, an employee's violation of University or departmental policies may be corrected by the supervisor's verbal statements calling such violations, abuse, etc. to the attention of the employee. Occasional, infrequent, or violations of a non-severe nature might even be overlooked. However, should such violations become chronic, lead to major infraction of University policy, or otherwise become a distraction to efficient departmental operations, a Letter of Counseling might become a supervisory option in identifying the problem and recommending appropriate means of resolving the deficiency. Letters of Counseling are supervisory/employee documents which do not represent any formal disciplinary action and are not part of the permanent record of the employee's personnel file.

Employees who feel they have been incorrectly counseled may follow the informal grievance mechanism in having the action reviewed. Letters of Counseling are not official records of the University and are not grievable through the formal grievance mechanism.

Letters of Counseling are not required in supporting, or initiating, formal reprimands but may be referred to in the event such formal actions are required. In such situations, letters of counseling or documented verbal reprimands may become an integral part of the employee's personnel file.

SECTION 806.02

Reprimands.

Following the employee's counseling and/or Letter(s) of Counseling, further disciplinary action may be required if situations are not corrected. Certain actions, even if not chronic, may lead to an immediate reprimand.

Reprimands are formal documents which may include recommendations for adverse action. All reprimands should be well documented to include the nature of the infraction(s), policy violated, prior counseling attempted (depending on the seriousness of the offense), and the recommended disciplinary action, if any, and any future disciplinary action, if cited deficiencies are not corrected.

a. Employees receiving reprimands have the right to a complete review and explanation of the charges and supervisors are encouraged to use this document in a constructive manner.

1. Reprimands which do not impose adverse disciplinary action on the employee, e.g., suspension, demotion, etc. are not subject to the formal grievance procedure.

2. Reprimands which impose adverse action may be grieved by the employee in accordance with the grievance procedures set forth in a later section of this manual.

SECTION 806.03

Suspension.

When appropriate, a lower level supervisor may suspend an employee with or without pay pending approval by the immediate administrative supervisor. Should the administrative supervisor determine such suspension in order, the employee will be advised, in writing, of the suspension, reasons therefor, and given the right to appeal such action as set forth in grievance procedures. An employee charged with or under indictment for a felony or a crime involving moral turpitude shall be suspended without pay unless, in the opinion of institutional authorities, there are extenuating circumstances which dictate more lenient action. Employees charged with or indicted for other offenses may be suspended with or without pay pending final disposition of the charges or indictment.

a. Benefits While Suspended. An employee on suspension may have his or her group life and health insurance continued on payment of normal premiums.

b. Use of Annual or Sick Leave During Suspension. Employees suspended with pay, i.e., pending disposition of charges or indictments other than felony or moral turpitude, may have such suspension charged against annual leave.

Normally, an employee who is suspended by the institution for violation of work rules will be suspended without pay, and no leave charges will be allowed.

c. Reinstatement. An employee who has been advised of his or her reinstatement date and does not report for the normal work shift shall be considered terminated, unless normal reporting procedures for sick leave, etc. have been followed.

d. Back Pay. An employee suspended without pay and subsequently allowed to return to work shall not be entitled to a back pay award unless so directed by the President of the University or the Board of Regents. Back pay awards shall be limited to those cases where the institution has acted incorrectly in its decision to suspend.

SECTION 806.04

Termination of Employment.

Following the progressive discipline outlined in this section, a supervisor may initiate dismissal

procedures for employees whose performance or conduct is unsatisfactory. Additionally, a supervisor may initiate immediate termination based on the seriousness of the offense.

The employee must be advised in writing of the reason(s) for dismissal, the effective date of such action, and advised of the right to appeal this action to the next highest authority in the organization. Said appeal must be made within five working days of the notification or effective date of termination, whichever occurs first.

In addition to the informal appeal, the employee should also be advised that a formal grievance can be initiated within fifteen working days after the effective date of the action.

SECTION 806.05

Employee Grievances.

Employee grievances are to be expected in any work environment, with numerous reasons for their origin. Valdosta State University is no exception, and although every grievance may not initially be considered a serious matter, the University wants to maintain a positive position in the quick resolution of problems which occur.

The following paragraphs provide general information on the grievance procedure with more detailed information available in the Human Resources Office.

A. What is Not Covered.

Not all employee complaints or grievances are acceptable or subject to corrective actions. The following examples, while not covering exceptions in their entirety, provide general guidelines on what grievances are excluded.

- Any matter which is subject to final administrative review outside Valdosta State University under law or the policies of the Board of Regents of the University System of Georgia.

- The content of published policy. Should published policy be in direct conflict with law or regulation, the employee should advise the Department of Human Resources which in turn will advise the President of the University and the appropriate staff member of the Regents Central Office.

- Non-selection for promotion or grievance related to salary increase unless there is specific evidence to show that said grievance relates to discrimination based on race, color, sex, religion, national origin, disability or age. The President's decision on all such matters, with this exception, shall be final at the institutional level with the Board of Regents representing the final review.

- A preliminary warning or notice of an action, which, if effected, would be covered by the grievance mechanism.

- Grievances by a temporary, probationary, or non-state funded employee relating to his or her separation.

B. Initiating a Grievance. An employee or group of employees who have a grievance which does not fall in the above categories may seek remediation. Two basic procedures are followed in expressing a grievance, the informal grievance procedure and the formal grievance procedure.

1. The Informal Grievance Procedure.

This is the initial step in expressing a grievance and requires that employee(s) work within their departmental organization in seeking redress. Informal grievances may be oral or written and should be directed to the first line supervisor. The employee should clearly identify the policy infraction involved, the date of the incident, and the preferred solution. If the grievance relates to the first line supervisor, the next organizational level may be used. Normally grievances are solved at this level; however, the employee may elect to pursue the formal procedure if no action is taken, or if it is not taken within a prescribed time frame, or if the incident or source of the problem recurs

or if the supervisory solution proffered does not adequately address the problem. Informal grievances should be initiated within five (5) working days of the action taken, for which redress is sought.

2. The Formal Grievance Procedure. Having exhausted the informal procedures, the employee may file a written grievance if the supervisor's actions are inappropriate, untimely, do not address the problem or otherwise provide adequate redress. All formal grievances must be in writing, expressing policy infraction, date of the incident, preferred action, and efforts taken through the informal procedure to correct the problem. Such grievances should be filed within five (5) working days from the date which the informal grievance procedure decision is rendered.

Written grievances should be directed to the Director of Human Resources or his/her designee who has been authorized by the President to review such requests for grievances and administer the formal grievance procedure.

Should the grievance be acceptable, a Board of Review will be selected and a formal hearing date established within 10 working days of formal acceptance. An administrative review, not requiring strict rules of evidence, will be conducted and the Board of Review members will make recommendation(s) for resolution within ten (10) days of the hearing's conclusion. Those recommendation(s) will be reviewed by the President and his vice presidents, with assistance from the Director of Human Resources and/or his/her designated representative. The employee will then be advised of the final decision at the institutional level within ten (10) days following receipt of the Board of Review's recommendations by the President.

a. Time Extensions. While every effort will be made to meet response deadlines, there might be occasions when circumstances might preclude such action, i.e. vacation, business meetings, further review of the facts, etc. by the Board of Review, etc. In such cases, the employee will be advised of the delay and results will be expedited when the recommendations are determined. **b. Appeals.** Employees shall be afforded due process in resolving grievances and shall have the right of appeal at each supervisory level. The decision of the President is the final decision at the institutional level and further recourse or review can be initiated by requesting review at the University System level within (20) calendar days from receipt of the President's decision. **c. Retaliatory Action.** Employees exercising their right to follow the established grievance procedures shall not be subjected to retaliatory action, harassment, intimidation or otherwise penalized for exercising their right to express grievances. Supervisors and other employees found using such tactics will find themselves subject to disciplinary action to include reprimand, possible suspension or dismissal, depending on the circumstances.

Such actions should be reported to the Department of Human Resources on the first occurrence, and the President and Vice Presidents of the University will be advised of the retaliatory acts and determine what disciplinary action shall be taken.

SECTION 806.06

Time Requirements - Grievance Process

Informal Grievances - Within 5 working days of action(s) for which redress is sought, employee meets with next supervisor within organizational structure. Following this review, the supervisor advises the aggrieved employee of his or her decision.

Formal Grievances - Upon receipt of the final decision at the informal level, the aggrieved employee has 5 working days to file a written grievance to the Director of Human Resources.

Board of Review - Assuming the grievance is acceptable, the Director of Human Resources will, within ten working days of formal acceptance, work with both parties in establishing the hearing date and impaneling the Board of Review.

Final Disposition at Institution - Following the formal hearings, the Board of Review shall submit,

within ten working days, their written recommendations to the President of the University. The President will advise the individual of his or her final decision within ten working days.

Appeal to the Board of Regents - Further appeals to the Board of Regents shall be within 20 days from receipt of the President's decision and in accordance with Board of Regents policy.

SECTION 806.07

Separation/Termination of Employment.

Employees may leave the institution's employment for numerous reasons, and in some cases may be terminated as the result of disciplinary action.

Regardless of the nature of the termination, the following procedures must be followed to have the final check released.

SECTION 806.08

Resignation.

Employees of the University who intend to vacate their position should notify their supervisor at least two weeks in advance. This would allow sufficient time for the Department of Human Resources to conduct the necessary posting and applicant screening and referral to obtain a suitable replacement. A two-week notice will also help the University in its decision to recommend the departing employee for future employment.

SECTION 806.09

Retirement.

Employees who plan to retire voluntarily should report to the Department of Human Resources no less than 60 days prior to their anticipated date of retirement to assure their retirement account is in order. This advance notice of retirement will allow sufficient time to purchase prior service credits, receive benefit estimates from the retirement system, and to attend to other pertinent details regarding fringe benefits, etc.

SECTION 806.10

Layoff.

As a general rule, layoffs at the University are rare and temporary. However, in the event a layoff becomes necessary, a concentrated effort will be made to relocate the employee in some comparable position. Should relocation be impossible, the Department of Human Resources will give those employees on a "layoff status" preferential treatment when a comparable position for which they qualify becomes available. In cases where more than one employee is eligible for re-employment, the qualified individual with seniority will be hired. Employees who do not accept relocation will not be given preferential treatment should they re-apply for employment at a later date.

a. Reduction in Work Hours

In an effort to avoid layoffs, reduction in work hours may represent a reasonable alternative. When such action is required, employees will be so advised and given ample opportunity to discuss reasonable alternative work schedules with their supervisor. In the event such action is required, seniority will be a prime consideration in determining who will be effected. **b. Reorganization, Program Modification, Redirection or Financial Exigency.**

Employees who are terminated, demoted, laid off or otherwise adversely affected by reorganization, program modification, redirection of budgeted funds, or financial exigency will not have the right to file a grievance or an appeal seeking recourse at the institutional level. Such an employee, however, will have the right of appeal to the Board of Regents of the University System of Georgia in compliance with Article IX of the By-Laws of the Board of Regents.

SECTION 806.11

Dismissal.

Dismissal of a classified employee may be effected by the immediate supervisor if an employee's performance of duty or personal conduct is not satisfactory. Normally, dismissal follows previous reprimands for related offenses; however, multiple reprimands for numerous deficiencies may also be considered adequate cause for dismissal.

Immediate dismissal shall be limited to serious offenses or breach of certain personnel policies, i.e., destruction of University property, theft, drug use, disruptive behavior, etc.

An employee charged with or under indictment for a felony or a crime involving moral turpitude shall be terminated or suspended without pay unless, in the option of institutional authorities, there are extenuating circumstances which dictate more lenient action. Employees charged with or indicted for other offenses may be suspended by institutional authorities with or without pay pending final disposition of the charges or indictment. Suspension with pay may be charged against accrued leave.

a. Notice of Dismissal (Pre-Termination Review). When dismissal becomes necessary, an employee shall be advised of all charges and granted the opportunity to appeal through the informal and formal grievance procedures if the cause for dismissal is not excluded from grievance consideration.

b. Separation Pay or Notice. Whenever practical, an employee will be given a two-week working notice of termination; however, should the employee's presence be considered a disruptive force in the work area, immediate dismissal without notice may be effected. No notice is necessary in those cases where an employee has violated work regulations following multiple reprimands or when the infraction involves a willful violation of University policy whether previous reprimands have or have not been issued.

Generally, notice shall be given in cases most closely related to a general inability of the employee to perform described duties as opposed to the case where an employee possesses requisite skills but elects to ignore his or her responsibilities, refuses to follow reasonable work orders, or violates those policies which warrant immediate dismissal regardless of prior offenses, e.g. theft, work place violence, etc. Paid notice, in lieu of working, is not permissible in that this represents a gratuity and violates State of Georgia regulations.

c. Reinstatement. Dismissed employees who are subsequently reinstated may have work loss considered a suspension without pay, or on order by the President or the Board of Regents may have back pay restored.

d. Employees Under Written Contract. Staff employees under written contract may be terminated at any time providing there is just cause. In cases where the contract is not to be renewed by the University, a notice will be given in writing either personally or by certified mail no later than February 1, immediately preceding the expiration of the contract period.

e. Financial Exigency, Reorganization and Program Modification. Employees who are adversely affected by financial exigency, reorganization or program modification will not have the right to file a grievance or appeal as outlined in the grievance procedures. However, such an employee may appeal to the Board of Regents of the University System of Georgia as set forth in Article IX of the By-Laws of the Board of Regents.

SECTION 806.12

Outprocessing.

Throughout the course of employment, an employee may assume responsibility for University

property, which should be returned prior to receiving the final check. Among such items might be equipment, library books, University keys, the employee identification card, uniforms, and parking decal. These should be returned to the correct department or to the immediate supervisor. Institutional obligations, lost uniforms, traffic citations, etc. must also be resolved.

Upon verifying these items to be in order, authorization to issue and deliver the employee's final check will be given to the Department of Human Resources. Should failure to return uniforms, equipment, etc., result in a financial obligation, charges will be made and withheld from an employee's final check. Should such financial obligations be in excess of the final check, no payment will be made until such obligations are paid.

Failure to clear such obligations will negatively affect any job reference the University may provide to future employers.

SECTION 806.13

Exit Interviews.

Employees vacating positions with the University should report to the Department Human Resources for an exit interview. The main purpose of such interviews will be to determine the causes for employee turnover and to be sure all University property has been returned. In addition, the exit interview is intended to help the terminating employee determine the status of his or her group insurance, social security and retirement benefits.

SECTION 806.14

Separation Notice.

Terminated employees will be provided a DOL 800, as required by Georgia law, within a reasonable time following their separation. Departments should advise Human Resources of pending terminations to provide adequate time for preparation of this document and other items required in the severance process.

Employees abandoning their positions, walking off the job, will have their separation notices mailed as soon as practicable following confirmation of termination.