



**BOISE STATE UNIVERSITY**

University Policy 7430

## Classified Employees Disciplinary Action

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### **Effective Date**

July 1995

### **Last Revision Date**

August 04, 2022

### **Responsible Party**

Human Resources, (208) 426-1616

### **Scope and Audience**

This policy applies to all Classified Employees.

This policy does not apply to Classified Employee layoffs or downward reclassifications due to a reduction in force (see University Policy 7420 - Classified Employee Layoffs and Reemployment Preference). This policy does not apply to employment-related grievances reserved for problem solving under University Policy 7560 (Problem-Solving Procedure).

For Classified Employee due process rights resulting from a Disciplinary Action, see University Policy 7450 (Classified Employees Due Process and Appeal Procedures).

### **Additional Authority**

- IDAPA 15.04.01-190
  - Idaho State Board of Education Policy, Section II.L. (Discipline – Adequate Cause – All Employees)
  - University Policy 7400 (Classified Employees Performance Evaluation)
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## 1. Policy Purpose

To provide the causes for Disciplinary Action of Classified employees (dismissal, suspension, involuntary demotion, or involuntary reduction in pay).

## 2. Policy Statement

Boise State University is committed to providing Classified Employees with clear expectations on applicable laws, rules, and policies and addressing and improving unsatisfactory job performance through means of performance management or progressive discipline, when appropriate. However, when such efforts are not successful, or when situations arise that are exceptional in nature because of the facts of the situation and/or the egregiousness of the violation of law, rule, or policy, the university may take Disciplinary Action against the employee.

This policy outlines the causes for which the university may take Disciplinary Action against a Classified Employee, includes examples of conduct or behavior that would establish Adequate Cause, and defines the conditions under which suspensions for investigations or felony charges may occur.

## 3. Definitions

### 3.1 Adequate Cause

One (1) or more acts or omissions which, singly or in the aggregate, have directly and substantially affected or impaired an employee's performance of their professional or assigned duties or the interests of the Board or University. In addition, conduct seriously prejudicial to the Board or University may constitute adequate cause for discipline, up to and including dismissal.

### 3.2 Classified Employee

For the purposes of this policy, an employee serving in a Classified position who has successfully completed their entrance probationary period and achieved permanent status, including limited service appointments, Limited service appointments are defined under University Policy 7000 (Position Definitions).

### 3.3 Disciplinary Action

An adverse employment action taken against an employee when Adequate Cause exists which includes dismissal from employment with the university, suspension without pay, involuntary

demotion to a job classification in a lower pay grade (which may include a reduction in pay), and an involuntary reduction in pay within the same pay grade.

#### 4. Requirements

Classified Employees are expected to follow all applicable laws, rules, State Board of Education policies, and University or department policies and to maintain satisfactory job performance. A Classified Employee may be subject to Disciplinary Action when Adequate Cause exists.

Examples of Adequate Cause include but are not limited to one or more instances of sexual harassment or other forms of harassment prohibited by law; immorality; criminality; dishonesty; unprofessional conduct; actions in violation of policies, directives, or orders of the Idaho State Board of Education or University; unsatisfactory or inadequate performance of duties or failure to perform duties or any of the following under IDAPA 15.04.01-190:

- a. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, Idaho State Board of Education and University policies, or rules of the Idaho Division of Human Resources and Idaho Personnel Commission..
- b. Inefficiency, incompetency, or negligence in performing duties, or job performance that fails to meet established performance standards
- c. Physical or mental incapability for performing assigned duties, if a reasonable accommodation cannot be made for the disabling condition.
- d. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
- e. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline at the university.
- f. Intoxication or being under the influence of alcohol, or the misuse of medications or controlled substances, while on duty.
- g. Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds.
- h. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.

- i. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
- j. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity
- k. Habitual pattern of failure to report for duty at the assigned time and place.
- l. Habitual improper use of sick leave.
- m. Unauthorized disclosure of confidential information from official records.
- n. Absence without leave.
- o. Misstatement or deception in application for employment.
- p. Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties.
- q. Prohibited participation in political activities.

## **5. Suspension for Investigation**

The President, or designee, may place a Classified Employee on administrative leave, generally in the form of paid administrative leave, for investigation of a disciplinary cause listed under Section 4.

## **6. Suspension on Felony Charges**

- a. The President, or designee, may suspend a Classified Employee without pay upon the issuance of a complaint or any information or indictment of the employee on felony charges.
- b. The employee may remain on the suspension without pay during the time such charges are pending.
- c. Upon a subsequent finding that the charges or information were without grounds, or the employee was not found guilty, the employee must receive full reinstatement of all benefits and the salary they would have received while on the suspension without pay. For the

purpose of this section, a judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction.

## **7. Notice to the Idaho Division of Human Resources Administrator**

- a. Whenever the President, or designee, contemplates taking Disciplinary Action against an employee, the President, or designee, will notify the employee and the Administrator of Idaho Division of Human Resources. The employee will be provided with notice and an opportunity to respond under University Policy 7450 (Classified Employee Due Process and Appeal Procedures).
- b. A suspension with pay for investigation under Section 5 may be made without prior notice to the employee. In such instances, the President, or designee, will notify the Administrator of the Idaho Division of Human Resources as soon as practical.

## **8. Related Information**

University Policy 7420 (Classified Employees Layoff and Reemployment Preference)

University Policy 7450 (Classified Employees Due Process and Appeal Procedures)

University Policy 7560 (Problem-Solving Procedure)

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## **Revision History**

August 04, 2022