PREAMBLE: This section outlines procedures for the separation, by resignation or dismissal, of classified employees. It underwent significant revisions in 2002. Further information may be obtained from Human Resources (208-885-3609). [ed. 7-97, 6-09, rev. 7-02]

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A. RESIGNATIONS. Full-time classified employees who wish to resign are expected to give at least two weeks’ notice.

B. LAYOFFS. [See also 3970.]

B-1. In the absence of sufficient work or sufficient funds or in the event of a reorganization of a unit that results in the elimination of one or more positions, employees may be laid off according to the following procedure:

a. The departmental administrator determines which position classification is to be reduced.

b. Departmental employees in that classification are categorized as follows (1) disabled war veterans, (2) employees with permanent status [see 3360 A-3] in the class, (3) probationary employees who have permanent status in a lower class, and (4) probationary employees without permanent status in any class.

c. Departmental employees in the classification are awarded retention points as follows: (1) one point for each month of state service, (2) one point for each month of state service rated satisfactory, and (3) one-half point for each month of state service rated above satisfactory.

d. Employees in category (4) are to be laid off before any in category (3) are laid off, and so on, with highest priority for retention assigned to those in category (1). Within each category, the employee with the lowest number of retention points is the first to be laid off.

B-2. In every case of layoff, except as provided in 3970 G-2, the departmental administrator must give two weeks' notice to the employee and concurrently to the assistant vice president for human resources. [rev. 7-02]

B-3. The assistant vice president for human resources will make every effort to place an employee being laid off in a position of the same classification and pay grade. If another position is not available, the employee’s name is placed on a “layoff roster.” An employee whose name is on this roster and who is qualified for the position must be offered reinstatement to a position in the class from which he or she was laid off, or in a lower class in the same series, or in a class in which the employee has held permanent status with UI before any other person may be promoted, transferred, reinstated, or hired for that class by any UI unit. Preference for reemployment from layoff rosters is determined as in B-1, i.e., those in category (1) are to be reemployed before any in category (2) and so on, and, within a category, the employee with the largest number of retention points is the first to be reemployed. Names of employees laid off remain on the layoff roster for one year. [rev. 7-02]

B-4. An employee who resigns voluntarily, is terminated for cause, or fails to satisfactorily complete the required probationary period is not eligible to be placed on the layoff roster.
C. DISCIPLINE UP TO AND INCLUDING DISMISSAL.

C-1. Adequate cause. The regents have defined adequate cause for discipline up to and including dismissal: “Adequate cause” means 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 his professional or assigned duties or the interests of the Board, institution, agency, school, or office. In addition, any conduct seriously prejudicial to the Board, an institution, agency, school or office may constitute adequate cause for discipline, up to and including dismissal. Examples include, but are not limited to, one or more instances of sexual harassment or other form of harassment prohibited by law; immorality; criminality; dishonesty; unprofessional conduct; actions in violation of policies, directives, or orders of the Board, an institution, agency, school, or office; unsatisfactory or inadequate performance of duties, or failure to perform duties. [ed. 7-02]

C-2. Specific examples of behaviors that constitute adequate cause for discipline up to and including dismissal are:

   a. Failure to perform the duties and carry out the obligations imposed upon him or her by the state constitution, state statutes, or UI rules and regulations.

   b. Inefficiency, incompetence, or negligence in the performance of duties.

   c. Physical or mental incapability of performing assigned duties.

   d. Refusal to accept a reasonable and proper assignment from an authorized superior.

   e. Insubordination, conduct unbeknown to an employee, or conduct detrimental to good order and discipline in his or her department.

   f. Intoxication on duty.

   g. Careless, negligent, or improper use or unlawful conversion of UI property, equipment, or funds.

   h. Use of any influence that 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, 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 his or her official capacity.

   k. Habitual pattern of failure to report for duty at the assigned time and place.

   l. Habitual improper use of sick-leave privileges.

   m. Unauthorized disclosure of confidential information.

   n. Absence without leave.

   o. Misstatement or deception in his or her application for UI employment.

   p. Failure to obtain or maintain a current license or certification lawfully required as a condition for performing his or her duties.

   q. Prohibited participation in political activities [see 6220 C].
C. Disciplinary Procedures. These procedures apply to discipline up to and including dismissal. Whenever a department administrator considers it necessary to discipline a classified employee, the administrator must provide the employee with written notice of the contemplated discipline and provide the employee an opportunity to respond and be heard. Such notice should also be sent to the assistant vice president for human resources. The notification is to clearly set forth the specific reasons for the contemplated disciplinary action. After the employee has exercised the opportunity to respond, or declined either affirmatively or through inaction, the department administrator may impose the discipline. If the discipline is dismissal the president or his designee must notify the employee in writing either personally served on the employee or sent by first-class mail, postage pre-paid to the employee at the last known address on file for the employee. When practical, notice of dismissal will be given at least two weeks’ in advance of the effective date of dismissal. During the period between notification and effective date, the department administrator may require the employee to use accrued annual leave. No specific requirement for advance notice of dismissal is necessary for probationary employees, but when practical at least five working days’ notice should be given.

C-4. Administrative Leave or Suspension. [ed. 7-02]

a. Suspension Defined. Suspension means an enforced period of absence from the workplace, with or without pay, for disciplinary purposes or pending investigation of allegations about employee behavior. All disciplinary actions including suspension and dismissal are matters that may be considered under employee grievance procedures [see 3860].

b. A departmental administrator may place a classified employee on administrative leave or suspension, with pay, immediately upon notice to the employee of contemplated disciplinary action, or pending investigation of charges that, if substantiated, would constitute adequate cause for dismissal.

c. Suspension on Felony Charges. A departmental administrator may place a classified employee on suspension, with pay, upon the issuance of an indictment for felony charges relating to conduct outside his or her employment and upon concurrent notification of the employee and the assistant vice president for human resources. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary to which the employee would have otherwise been entitled will be provided to the employee upon a subsequent finding that the charges or information were without grounds or were dismissed.

d. Disciplinary Suspension. A departmental administrator may place a classified employee on suspension, without pay, for discipline, upon concurrent notification of the employee and the assistant vice president for human resources. Such suspensions must not exceed 30 calendar days.