



## **32.02.02.N0.02 Discipline and Dismissal**

Approved: February 2, 2010

Revised: July 1, 2016

Revised: November 17, 2022

Next Scheduled Review: November 17, 2027

### **Summary**

All TEEX employees are “at-will” employees, meaning that an employee may be dismissed from employment with or without cause. Any such dismissal must follow federal and state law. Unless there are extenuating circumstances as determined by the division director and the deputy director, supervisors will be expected to utilize the performance management program as outlined in Standard Administrative Procedure, *Performance Management Program TEEX 32.02.02.99-01*. Employees are expected to fully acquaint themselves with the rules, procedures and standards of conduct and performance expectations. Employees who do not assume the responsibilities set out by these rules, procedures and standards may be subject to disciplinary action, up to and including dismissal.

### **Requirements**

Acts that may result in dismissal include, but are not limited to: inadequate job performance, inadequate job knowledge, misconduct, excessive absenteeism or unauthorized leave or absences. This Standard Administrative Procedure is for guidance purposes and is specifically not intended to create any right of notice and opportunity for a hearing. Failure to follow procedures as outlined in this SAP will not create claims based on failure to meet standards of procedural due process nor will it form the basis of any employee’s appeal of termination. Supervisors are responsible for informing their employees of the rules and regulations to be followed, the standards of conduct to be met and the job performance to be achieved.

#### **1. Grounds for Disciplinary Action or Dismissal**

- 1.1.** Acts that may result in disciplinary action or dismissal include, but are not limited to inadequate job performance, inadequate job knowledge, misconduct, excessive absenteeism or unauthorized leave or absences

#### **2. Extended Suspension with Pay**

- 2.1.** An employee may be suspended with pay for up to 30 work days to allow time to investigate an allegation against the employee. The deputy director must authorize such leave prior to any such action being taken. Any request for more than 30 days must be authorized by the agency director.

### **3. Dismissal**

#### **3.1. When it has become apparent that a dismissal of an employee is warranted, the following steps will be taken:**

- Supervisors should discuss the pending action with their division director/department head or designee. This ensures that the recommendation for dismissal is based on fact.
- The supervisor then contacts the Human Resources Officer (HRO) to present all documentation that has led the supervisor to make the recommendation.
- If the documentation is in order, the HRO will contact the Office of General Counsel and discuss the proposed termination. The Office of General Counsel must review and approve in advance for legal sufficiency any suspension without pay, transfer, demotion, reduction in salary for disciplinary reasons and must review any dismissal recommendation before it is initiated.
- If General Counsel agrees, a letter of dismissal will be written by the HRO and approved by the division director/department head or designee.
- The supervisor will give the written notification to the employee. An employee may be dismissed immediately after all approvals are granted. If the employee is not available, the supervisor will mail the notice with written receipt requested from the post office.
- When practicable, a minimum of two weeks' notice should be given to the employee.
- The employee shall be placed on suspension with pay until the effective date of the dismissal. They will be paid lump sum, if eligible, for any accrued vacation. Advance notice shall not be provided to student workers, temporary or wage employees. Severance pay for time not worked or earned will not be authorized.

The expiration of a wage position, for reasons other than disciplinary action, is not a dismissal for purposes of the SAP.

### **4. Restitution**

- 4.1.** If an employee is being disciplined or dismissed for damages to property or equipment, for theft, for unauthorized purchases of equipment or payment of wages, for unauthorized travel expenses, or for other illegal or improper actions, the employee may be required to make restitution. If restitution is not made under the terms and conditions mandated, the employee may be subject to legal action and/or further discipline or dismissal.

### **5. Appeal of Disciplinary Action or Dismissal**

- 5.1.** To appeal any disciplinary action or dismissal, the appeal must be in accordance with Standard Administrative Procedure, *Complaint and Appeal Process TEEX 32.01.02.N1.01*.

## **Quality Assurance Measures**

Human Resources continuously monitors the implementation of this SAP and will adjust as needed if new requirements are put forth by the Texas A&M University System (TAMUS).

## **Related Statutes, Policies, or Requirements**

TAMUS Policy, [32.02 Discipline and Dismissal of Employees](#)

TAMUS Regulation, [32.02.02 Discipline and Dismissal of Nonfaculty Employees](#)

## **Appendix**

[Out-processing Checklist \(Budgeted Only\) - HR21](#)

[Personnel Actions - HR1](#)

## **Office of Responsibility**

TEEX Human Resources (979) 458-6801