

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 1 of 6

TITLE: DISCIPLINARY ACTION

POLICY
REFERENCE NUMBER: 8-5-100

DIVISION OF
RESPONSIBILITY: Human Resource Services

DATE OF LAST REVISION: June 16, 2016

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE SC STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION / THE SC TECHNICAL COLLEGE SYSTEM. THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION/THE SC TECHNICAL COLLEGE SYSTEM RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

I. GENERAL INFORMATION

Disciplinary action is used to address employee behavior/conduct that does not meet acceptable professional standards. This procedure does not address competency and job performance related issues. This progressive discipline procedure does not apply to non-covered employees (e.g., probationary employee, temporary employees, temporary grant employees, time-limited employees and employees exempt from the State Employee Grievance Procedure Act) who may be disciplined at the agency's discretion.

Disciplinary misconduct will be handled by one or more of the following actions, but not necessarily in this progressive order:

1. Informal Counseling*
2. Oral Reprimand*
3. Written Warning*
4. Disciplinary (Involuntary) Reassignment

* May not be formally grieved or appealed through the State Employee Grievance Procedure Act.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 2 of 6

5. Disciplinary Demotion
6. Disciplinary Suspension
7. Investigatory Suspension
8. Termination

Management, in conjunction with the System Office/college Human Resources Officer, must decide the appropriate discipline based on the circumstances in each case and the severity of the conduct. No two cases are identical; therefore it may not be possible to impose a particular discipline for a specific offense. It is the responsibility of the human resources office to ensure fair and consistent application of disciplinary measures for the same or similar offenses.

Disciplinary actions beyond an oral reprimand must be developed in consultation with the Human Resources Officer. When misconduct does not result in immediate termination, an employee should be given notice that continued improper conduct could result in dismissal. The original documentation of all disciplinary actions above oral reprimands are to be forwarded to the human resources office for inclusion in the employee's official personnel file.

II. FORMS OF DISCIPLINARY ACTION

A. INFORMAL COUNSELING

If it appears that an employee has failed to conduct himself/herself in accordance with State Board for Technical and Comprehensive Education (SBTCE)/college policies and procedures, federal or state law, the supervisor may hold a discussion with the employee in which he/she coaches the employee on the expected proper conduct. The supervisor should fully explain what is expected and should be open to consideration of whether special circumstances may have been involved. The supervisor should document the counseling session with the employee and maintain the documentation in a supervisory file.

B. ORAL REPRIMAND

An employee may be verbally reprimanded for relatively minor infractions involving inappropriate behavior, misconduct, or violation of rules. The supervisor should inform the employee in private that an oral reprimand is being given and that the employee has the opportunity to correct the problem. The supervisor should further inform the employee that unless the problem is corrected, the employee will be subject to stronger disciplinary action up to and including termination. Written documentation of the oral reprimand should be

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 3 of 6

maintained in a supervisory file, to be used to support future disciplinary action if needed.

C. WRITTEN WARNING

A written warning may be administered for the first offense of a more serious nature or if a conduct problem continues after the oral reprimand or informal counseling. The written warning should be written by management in consultation with the Human Resources Officer, prior to being issued to the employee. It should be sufficiently detailed to let the employee know the reasons for the disciplinary action. It should also advise the employee that future occurrence(s) of a similar nature may result in further disciplinary action up to and including termination.

A copy of the written warning should be sent to the Human Resources Officer for the employee's official personnel file. It may bear the employee's comments, if any. Written warnings should be acknowledged in writing as received by the employee and witnessed by a Human Resources Officer or appropriate management if the employee refuses to sign. The notice of written warning becomes a part of the employee's official personnel file and a copy of the warning notice should be given to the employee. The employee should be advised that signing only indicates receipt of a copy, and not necessarily agreement with the contents of the written warning.

D. DISCIPLINARY (INVOLUNTARY) REASSIGNMENT

Depending on the severity of and the circumstances related to the offense, disciplinary action may result in an involuntary reassignment to a more suitable job within the System Office/college. Involuntary reassignment from one job to another must be coordinated with the human resources office to ensure that no inequities in classification will exist due to the reassignment. Management should make reasonable efforts to ensure that any reassignments exceeding thirty (30) miles from the employee's previous worksite are necessary, and have been given appropriate consideration, since involuntary reassignments in excess of thirty (30) miles from the prior workstation could be grievable. (See Procedure 8-6-100.1) Involuntary reassignments should be acknowledged in writing as received by the employee and witnessed by a Human Resources Officer or appropriate management if the employee refuses to sign. The notice of disciplinary reassignment becomes a part of the employee's official personnel file and a copy of the reassignment notice should be given to the employee.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 4 of 6

E. DISCIPLINARY DEMOTION

Depending on the severity of and the circumstances related to the offense, disciplinary action may result in a demotion if, during the investigation of the misconduct or offense, it is determined that the employee could possibly function satisfactorily in a position in a lower pay band than what the employee currently occupies. This action should also be coordinated with the Human Resources Officer, prior to notifying the employee of the disciplinary action. Disciplinary demotions should be acknowledged in writing as received by the employee and witnessed by a Human Resources Officer or appropriate management if the employee refuses to sign. The notice of disciplinary demotion becomes a part of the employee's official personnel file and a copy of the demotion notice should be given to the employee.

F. DISCIPLINARY SUSPENSION

Disciplinary suspensions are without pay. Accrued annual or sick leave may not be used during a period of suspension. A suspension may be administered for the first offense of a serious nature. It should be employed when management or the supervisor believes that by its use the employee will correct this misconduct. The period of suspension will vary depending on the seriousness of the offense and should be for a specified period of time but only of a duration sufficient to correct misconduct. Exempt employees are to receive suspension without pay in full day increments. The employee will be given a written statement of the reasons for disciplinary suspension. Disciplinary suspensions should be acknowledged in writing as received by the employee and witnessed by a Human Resources Officer or appropriate management if the employee refuses to sign. The notice of suspension becomes a part of the employee's official personnel file and a copy of the suspension notice should be given to the employee. During the suspension period, the employee will not be allowed in the workplace.

G. INVESTIGATORY SUSPENSIONS WITHOUT PAY

In cases that have many issues or considerations or where the facts are not clearly evident, an investigatory suspension may be used by placing the employee on a leave of absence without pay. Investigatory suspension means the interruption of active employment status (without compensation) pending investigation and a decision as to the extent of disciplinary action. The investigatory suspension should last only long enough to permit time for adequate investigation and the formulation of a decision after the investigation. Investigatory suspensions should be acknowledged in writing as received by the employee and witnessed by a Human Resources Officer or appropriate management if the employee refuses to

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 5 of 6

sign. During the suspension period, the employee will not be allowed in the workplace or to have contact with other employees during business hours.

At the conclusion of the investigation, an investigative report should be developed and a copy placed in an appropriate (confidential) employee relations file in Human Resources. If the allegation is determined to be unfounded, the employee shall be returned to work with back pay.

If the allegation is determined to be founded, time off during an investigatory suspension may be considered part of the disciplinary suspension period if the investigation determines that disciplinary suspension is appropriate. If the investigation determines that appropriate disciplinary action is less than the length of the investigatory suspension without pay, then the employee will receive back pay for the difference.

All back pay amounts must be submitted through the System Office and approved by the Department of Administration's Division of State Human Resources.

H. TERMINATION

Each offense is viewed on a case by case basis. Severe, egregious, gross or aggravated misconduct or offense may result in immediate termination. In such instances, prior disciplinary actions, warning or attempts to correct the problem are not necessary.

III. PROCEDURES FOR ALL DISCIPLINARY ACTIONS ABOVE ORAL REPRIMAND

1. The supervisor and/or appropriate department administration in conjunction with the human resources office should discuss and gather all facts surrounding an incident of misconduct.
2. The matter should then be discussed with the Human Resources Officer in determining the appropriate discipline.
3. Management shall work in consultation with the Human Resources Officer to determine the appropriate language in compliance with SBTCE/College policies and procedures and applicable state and federal laws.
4. The disciplinary action shall be taken under the authority and signature of the System/College President or a designee with the supervisor initiating the action.

STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION

PROCEDURE

PROCEDURE NUMBER: 8-5-100.1

PAGE: Page 6 of 6

5. The original document of the disciplinary action will be placed in the employee's official personnel file.

IV. DISCLOSURE OF CRIMINAL CHARGES/CONVICTIONS

It is the responsibility of the employee to notify the System Office/college human resources office of any criminal charges and/or convictions that occur during the course of his/her employment. Failure to notify the System Office/college human resources office may be cause for disciplinary action up to and including termination.

V. JOB ABANDONMENT

Employees who voluntarily fail to report to work for three consecutive workdays and fail to make direct contact with the supervisor or appropriate management during this time period will be considered to have voluntarily resigned.

VI. RELATED POLICIES, PROCEDURES, OR REGULATIONS

Before taking disciplinary actions involving alcohol, drugs, or harassment of any type, management should ensure compliance with the following sources respectively:

SC Code – Section 8-11-110 (Alcoholism); SBTCE Policy 8-7-105 (Employee Alcohol/Drug Use), SBTCE Procedures 8-5-101.1 (Non-Discrimination, Anti-Harassment, and Sexual Misconduct) and 8-5-102 (Workplace Violence).

All competency and job performance related issues should be addressed through the following agency procedures:

SBTCE Procedures 8-4-100.1 and 100.2 (EPMS) and 8-4-101.1 (FPMS)

ADDENDUM

It is not possible to list all acts or omissions which might result in disciplinary action. The below indicated range of offenses is to be used as a guide and is not intended to be all-inclusive. At the time of the occurrence of any of the listed offenses, or any not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

OFFENSE
Unauthorized Leave
Habitual Tardiness or Failure to Observe Assigned Work Hours
Abuse of Leave (Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Excessive Absenteeism (Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Leaving Work Station Without Authorization
Reporting to Work Under the Influence of Alcohol (Refer to S.C. Code of Laws Section 8-11-110; Act on Alcoholism)
Drinking Alcoholic Beverages on the Job (Refer to S.C. Code of Laws Section 8-11-110; Act on Alcoholism)
Reporting to Work Under the Influence of Drugs or Alcohol
Possessing or Using Illegal Drugs on the Job
Insubordination
Falsification of Records or Documents
Stealing
Negligence
Willful Violation of Written Rules, Regulations or Written Policies
Unauthorized Use of State Equipment or Property
Destruction or Misuse of State Property or Equipment
Unauthorized Solicitation or Sales on State Premises
Unauthorized Possession of Firearms on the Job
Unauthorized Distribution of Written or Printed Material of Any Kind
Sleeping While on Duty
Horseplay
Malicious Use of Profane/Abusive Language to Others
Loafing
Interference With Other Employee's Work
Working on Personal Jobs During Work Hours
Excessive Use of Telephone, Computer or E-mail for Personal Matters
Defacing State Property
Harassment (Refer to SBTCE Procedure 8-5-101.1 Non-Discrimination, Anti-Harassment, and Sexual Misconduct)
Failure to Disclose Pending Criminal Charges
Conviction of a Crime that Adversely Reflects on an Individual's Suitability for Continued Employment
Discourteous Treatment of Visitors and/or Customers
Failure to Maintain Satisfactory or Harmonious Working Relationships with Employees or Supervisors

ADDENDUM

Improper Conduct or Conduct Unbecoming a State Employee
Willful False Statements to a Supervisor
Workplace Violence
Gambling During Work Hours
Misrepresentation of Facts
Unauthorized Release of Confidential Information
Engaging in Incompatible Employment or Serving in a Conflicting Interest
Gross Misconduct