



ADMINISTRATIVE POLICY #03.30.01.04 (2020)

DISCIPLINARY ACTION

Policy Title: Disciplinary Action

Policy Type: Administrative

Policy Number: ADM Policy #03.30.01.04 (2020)

Legal Authority: Section 59-53-20 of the 1976 Code of Laws of South Carolina, As Amended;
Section 19-717 of the State Human Resources Regulations

State Board Policy: 8-5-100

Approval Date: June 15, 2020

Responsible Office: Office of Human Resources

Responsible Executive: AVP for Institutional Advancement and Effectiveness

Applies to: Faculty and staff excluding non-covered employees

POLICY

It is the policy of Denmark Technical College to practice progressive discipline. Progressive discipline is intended to be corrective rather than punitive. Continued minor offenses may require a series of disciplinary actions, up to, and including termination; whereas, a severe act of misconduct may result in immediate termination. Each offense will be considered on a case-by-case basis.

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PROCEDURES

I. GENERAL INFORMATION

Disciplinary action is used to address employee behavior/conduct that does not meet acceptable professional standards. This policy does not address competency and job performance related issues. This progressive disciplinary policy does not apply to non-covered employees who may be disciplined at the College'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
5. Disciplinary Demotion
6. Disciplinary Suspension
7. Investigatory Suspension
8. Termination

Management, in conjunction with College Chief Human Resources Officer 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 discipline for a specific offense. It is the responsibility of the Office of Human Resources 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 Chief 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 Office of Human Resources 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 College or State Board for Technical and Comprehensive Education 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.

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

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 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 Chief 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 Office of Human Resources 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 the Chief 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 college. Involuntary reassignment from one job to another must be coordinated with the Office of Human Resources 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. Involuntary reassignments should be acknowledged in writing as received by the employee and witnessed by the Chief 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.

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 Chief 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 the Chief 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 the Chief 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 the Chief Human Resources Officer or appropriate management if the employee refuses to 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 Chief Human Resources Officer in determining the appropriate discipline.
3. Management shall work in consultation with the Chief Human Resources Officer to determine the appropriate language in compliance with College and SBTCE policies and procedures and applicable state and federal laws.
4. The disciplinary action shall be taken under the authority and signature of the College President or a designee with the supervisor initiating the action.
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 College Office of Human Resources of any criminal charges and/or convictions that occur during the course of his/her employment. Failure to notify the College Office of Human Resources 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).

VII. OFFENSES

While 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 Workstation 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 Another 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
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

DEFINITIONS

Non-covered employee – includes probationary employees, temporary employees, temporary grant employees, time-limited employees and employees exempt from the State Employee Grievance Procedure Act.

CONTACTS

The Associate Vice President for Institutional Advancement and Effectiveness officially interprets this policy. Additionally, the Associate Vice President for Institutional Advancement and Effectiveness is responsible for obtaining approval for any revisions as required by Administrative Policy 0.1.100, *Policy Classification and Numbering System* through the appropriate governance structures. Questions regarding this policy should be directed to the Office of Institutional Advancement and Effectiveness.

STAKEHOLDER(S)

College faculty and staff excluding non-covered employees.

PUBLICATION

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the Associate Vice President for Advancement and Effectiveness will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;

- Post the policy on the College’s webpage and all other related webpages, in the student handbook, and in the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy’s content as necessary.

Failure to meet the publication requirements does not invalidate this policy.

REVIEW SCHEDULE

- Next Scheduled Review: June 15, 2022
- Approval by College Cabinet: June 15, 2020
- Revision History: N/A
- Supersedes: N/A

RELATED DOCUMENTS

There are no related documents associated with this policy.

FORMS

There are no forms associated with this policy.