**PROGRESSIVE DISCIPLINE**

**MODEL POLICY**

**(Revised and Effective 3/3/2014)**

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY 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.**

**SECTION A: GENERAL**

A review of the progressive discipline procedures should be maintained to ensure that all supervisors are being consistent in taking disciplinary action against employees involved in similar situations and that employees are aware of the disciplinary actions. Consequently, each supervisor and employee will be given a copy of the policy. This progressive discipline policy does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act) who may be disciplined at the agency's discretion.

**SECTION B: GUIDELINES**

The circumstances surrounding an offense, such as the severity of the misconduct, the number of times it has occurred, and any previous counseling, will suggest what action should be taken. Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action with the employee’s and the supervisor’s signatures should be placed in the employee’s personnel file. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand that becomes a part of the employee’s permanent personnel file (which should also be signed by the employee as having been received and understood). Further repetitions of the offense or the first occurrence of a very serious offense is followed by suspension, reassignment, demotion, termination or other appropriate action.

Please note that these are intended only to be guidelines because it is difficult to be all-inclusive or to assign a degree of severity to the various examples provided. A manager must rely on judgment as an experienced administrator to arrive at appropriate disciplinary action. At management’s discretion, individual offenses calling for oral or written reprimands could cumulatively result in suspension or termination.

**SECTION C: VOLUNTARY RESIGNATIONS AND PERFORMANCE ISSUES**

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the agency during this time period will be considered to have voluntarily resigned. All performance related problems should be addressed by the guidelines established in the Employee Performance Management System.

**SECTION D: DISCIPLINARY ACTIONS**

No disciplinary actions beyond a written reprimand may be taken without being authorized by the agency director or a designee. Division directors and unit managers may recommend appropriate discipline. The following steps shall be followed in such cases when discipline beyond the written reprimand is necessary.

1. The supervisor presents all facts surrounding the incident to the unit manager, or in the cases where the unit manager is initiating the action, he or she presents the facts to the division director with a recommendation for discipline.
2. If the division director agrees with the recommendation, the matter is discussed next with the Human Resources officer and the agency director or a designee.
3. If action is to be taken, it shall be taken under the authority and signature of the agency director or a designee with the supervisor initiating such action.

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| **Offense** | **Range of Disciplinary Actions** | **Notes** |
| Unauthorized Leave | Written Reprimand to Termination |  |
| Habitual Tardiness or Failure to Observe Assigned Work Hours | Oral Reprimand to Termination |  |
| Abuse of Leave | Oral Reprimand to Termination | Refer to Family and Medical Leave Act and Americans With Disabilities Act |
| Excessive Absenteeism | To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans With Disabilities Act. | |
| Leaving Work Station Without Authorization | Oral Reprimand to Termination |  |
| Reporting to Work Under the Influence of Alcohol | Suspension to Termination | Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism |
| **Offense** | **Range of Disciplinary Actions** | **Notes** |
| Drinking Alcoholic Beverages on the Job | Termination | Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism |
| Reporting to Work Under the Influence of Drugs | Suspension to Termination |  |
| Possessing or Using Illegal Drugs on the Job | Termination |  |
| Insubordination | Oral Reprimand to Termination |  |
| Falsification of Records or Documents | Suspension to Termination |  |
| Stealing | Termination |  |
| Negligence | Oral Reprimand to Termination |  |
| Willful Violation of Written Rules, Regulations or Written Policies | Oral Reprimand to Termination |  |
| Unauthorized Use of State Equipment or Property | Oral Reprimand to Termination |  |
| Destruction or Misuse of Property  or Equipment | Written Reprimand to Termination |  |
| Unauthorized Solicitation or Sales on State Premises | Oral Reprimand to Termination |  |
| Unauthorized Possession of  Firearms on the Job | Termination |  |
| Unauthorized Distribution of Written or Printed Material of Any Kind | Written Reprimand to Termination |  |
| Sleeping While on Duty | Written Reprimand to Termination |  |
| Horseplay | Oral Reprimand to Termination |  |
| Malicious Use of Profane/Abusive  Language to Others | Oral Reprimand to Termination |  |
| Loafing | Oral Reprimand to Termination |  |
| Interference With Other Employee’s Work | Oral Reprimand to Termination |  |
| **Offense** | **Range of Disciplinary Actions** | **Notes** |
| Working on Personal Jobs During Work Hours | Oral Reprimand to Termination |  |
| Excessive Use of Telephone for Personal Matters | Oral Reprimand to Termination |  |
| Defacing State Property | Written Reprimand to Termination |  |
| Sexual Harassment | Written Reprimand to Termination | Refer to Sexual Harassment Policy |
| Conviction of a Felony which adversely reflects on an individual's suitability for continued employment | Termination |  |
| Conviction of a Misdemeanor which  adversely reflects on an individual's suitability for continued employment | Termination |  |
| Discourteous Treatment of Visitors or Customers | Oral Reprimand to Termination |  |
| Failure to Maintain Satisfactory or Harmonious Working Relationships with Employees or Supervisors | Oral Reprimand to Termination |  |
| Improper Conduct or Conduct Unbecoming a State Employee | Written Reprimand to Termination |  |
| Willful False Statements to a Supervisor | Suspension to Termination |  |
| Workplace Violence | Termination | Refer to Workplace Violence Policy |

The above indicated **range of disciplinary** actions in response to specific offenses **is** to be used as a guide and **is not** intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

**PROGRESSIVE DISCIPLINE OPTIONS TOOLBOX**

**An agency may determine that using the following options would assist in conducting progressive discipline.**

**CHART OF OFFENSES WITH ESTABLISHED DISCIPLINARY ACTIONS**

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| **Offense** | **First Offense** | | **Second Offense** | | **Third Offense** | | **Fourth Offense** | | **Notes** | |
| Unauthorized Leave | Written Reprimand | | Suspension | | Termination | |  | |  | |
| Habitual Tardiness or Failure to Observe Assigned Work Hours | Oral Reprimand | | Written Reprimand | | Suspension | | Termination | |  | |
| Abuse of Leave | Oral Reprimand | | Written Reprimand | | Termination | |  | | Refer to Family and Medical Leave Act and Americans With Disabilities Act | |
| Excessive Absenteeism | To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by oral counseling in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans With Disabilities Act. | | | | | | | | | |
| Leaving Work Station Without Authorization | Oral to Written Reprimand | | Suspension | | Termination | |  | |  | |
| Reporting to Work Under the Influence of Alcohol | Suspension | | Termination | |  | |  | | Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism | |
| Drinking Alcoholic Beverages on the Job | Termination | |  | |  | |  | | Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism | |
| **Offense** | **First Offense** | | **Second Offense** | | **Third Offense** | | **Fourth Offense** | | **Notes** | |
| Reporting to Work Under the Influence of Drugs | Suspension | | Termination | |  | |  | |  | |
| Possessing or Using Illegal Drugs on the  Job | Termination | |  | |  | |  | |  | |
| Insubordination | Oral to Written Reprimand | | Suspension to Termination | | Termination | |  | |  | |
| Falsification of Records or Documents | Suspension to Termination | | Termination | |  | |  | |  | |
| Stealing | Termination | |  | |  | |  | |  | |
| Negligence | Oral to Written Reprimand | | Suspension to Termination | | Termination | |  | |  | |
| Willful Violation of Written Rules, Regulations or Written Policies | Oral Reprimand to Suspension | | Termination | |  | |  | |  | |
| Unauthorized Use of State Equipment or Property | | Oral Reprimand to Termination | | Termination | |  | |  | |  |
| Destruction or Misuse of Property or Equipment | | Written Reprimand to Suspension | | Suspension to Termination | | Termination | |  | |  |
| Unauthorized Solicitation or Sales on State Premises | | Oral to Written Reprimand | | Suspension to Termination | | Termination | |  | |  |
| Unauthorized Possession of Firearms on the Job | | Termination | |  | |  | |  | |  |
| **Offense** | **First Offense** | | **Second Offense** | | **Third Offense** | | **Fourth Offense** | | **Notes** | |
| Unauthorized Distribution of Written or Printed Material of Any Kind | | Written Reprimand | | Suspension to Termination | | Termination | |  | |  |
| Sleeping While on Duty | | Written Reprimand | | Suspension to Termination | | Termination | |  | |  |
| Horseplay | | Oral Reprimand | | Written Reprimand | | Suspension | | Termination | |  |
| Malicious Use of Profane/Abusive Language to Others | | Oral Reprimand | | Written Reprimand | | Suspension | | Termination | |  |
| Loafing | | Oral Reprimand | | Written Reprimand | | Suspension | | Termination | |  |
| Interference With Other Employee’s Work | | Oral Reprimand | | Written Reprimand | | Suspension to Termination | | Termination | |  |
| Working on Personal Jobs During Work Hours | | Oral to Written Reprimand | | Suspension | | Termination | |  | |  |
| Excessive Use of Telephone for Personal Matters | | Oral Reprimand | | Written Reprimand | | Suspension to Termination | | Termination | |  |
| Defacing State Property | | Written Reprimand to Termination | | Termination | |  | |  | |  |
| Sexual Harassment | | Written Reprimand to Termination | | Termination | |  | |  | | Refer to Sexual Harassment Policy |

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| **Offense** | **First Offense** | | **Second Offense** | **Third Offense** | **Fourth Offense** | **Notes** | |
| Conviction of a Felony which adversely reflects on an individual's suitability for continued employment | | Termination |  |  |  | |  |
| Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment | | Termination |  |  |  | |  |
| Discourteous treatment of visitors or customers | | Oral Reprimand to Suspension | Suspension to Termination | Termination |  | |  |
| Failure to maintain satisfactory or harmonious working relationships with Employees or Supervisors | | Oral Reprimand | Written Reprimand | Suspension | Termination | |  |
| Improper conduct or conduct unbecoming a state employee | | Written Reprimand to Termination | Suspension to Termination | Termination |  | |  |
| Willful false statements to a supervisor | | Suspension to Termination | Termination |  |  | |  |
| Workplace Violence | | Termination |  |  |  | | Refer to Workplace Violence Policy |

The above indicated range of disciplinary actions in response to specific offenses is to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, or any that are not listed, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered. The state and federal laws referenced above are not all-inclusive in administering discipline.

**EMPLOYEE COMMENTS**

The employee may attach additional comments to any disciplinary action, if desired, within a preset amount of time.

**WORKPLACE VIOLENCE**

Section 7, Chapter 1, Title 1 of the 1976 Code of Laws, Article 21, Workplace Domestic Violence Policy (Section 1-1-1410) requires every state agency to develop and implement an agency workplace domestic violence policy and adopt a “zero tolerance” approach to the act or threat of violence of any kind. If employees engage in any violence in the workplace, or threaten violence in the workplace, their employment will be terminated immediately for cause. The “zero tolerance” approach must be applied to all forms of workplace violence. These include, but are not limited to:

1. Physical- the use of force in order to harm;
2. Threats- a communicated intent to inflict harm or loss on another or on another’s property;
3. Harassment- substantial and unreasonable words, gestures, or actions that are intended to frighten, alarm, or abuse another person or that would cause a reasonable person mental or emotional distress;
4. Property damage- intentional damage to property owned by the state, employees, visitors, or vendors; and
5. Domestic- physical harm, injury, or an offer or an attempt to cause physical harm or injury to a household member.