



DISCIPLINARY POLICY

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 CONTENTS 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. POLICY

The South Carolina Department of Agriculture (SCDA) recognizes its continued responsibility to develop and administer appropriate disciplinary procedures in the mutual interests of SCDA and the employees of this Agency. Disciplinary efforts should seek to prevent serious problems from occurring or recurring. This progressive discipline policy does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited employees, research grant employees, and employees exempt from the State Employee Grievance Procedure Act), who may be disciplined at the agency's discretion.

Inappropriate behavior, whether at work or off-duty, reflects badly on the South Carolina Department of Agriculture. All SCDA employees are expected to conduct themselves in a professional manner, perform their assigned duties competently, extend courtesy and respect to supervisors, co-workers and customers, and adhere to all policies. Employees tasked with supervising others should set an example by their conduct, attitude, and work habits. Employee discipline may be handled through one or more of the following actions, but not necessarily in this order:

- A. Oral Reprimand
- B. Written Reprimand
- C. Reassignment
- D. Demotion
- E. Suspension
- F. Termination

Human Resources may consult with management as necessary in administering disciplinary action.

The Human Resources Director or designee must be consulted in advance on all disciplinary actions regardless of the employee's status. 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 reprimand must be transmitted to Human Resources to be included in the employee's official personnel file.

While an employee should sign disciplinary notices, his/her signature means only that he/she has received a copy and not that he/she agrees with the contents, or the action taken. If the employee refuses to sign the disciplinary notice, another supervisory employee should witness the refusal to sign the document.

All covered employees may have the right to grieve certain disciplinary actions in accordance with the SCDA Grievance policy. All employees have access to a copy of the Disciplinary Policy through the intranet or by contacting Human Resources.

II. INFORMAL COUNSELING

Although not considered a formal step in the progressive disciplinary process, informal counseling should be used in cases of the first occurrence of minor disciplinary offenses. In these cases, supervisors should hold a discussion with the employee to communicate the expected proper conduct. The supervisor should inform the employee that unless the problem is corrected the employee may be subject to stronger disciplinary action up to and including termination. Written documentation of the informal counseling should be main-

tained in supervisory files, to be used to support future discipline if needed. Informal counseling may not be appropriate in all instances, depending on the severity of the first offense.

III. FORMS OF DISCIPLINARY ACTION

A. Oral Reprimand

The supervisor may hold a discussion with an employee in which he/she admonishes the employee for improper conduct. Ordinarily, an employee should be verbally admonished 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. The original written documentation of the oral reprimand should be maintained in supervisory files, to be used to support future discipline if needed.

B. Written Reprimand

A written record of an admonishment may be administered for individual offenses or for cumulative lesser violations. The nature of the offense and the dates of any informal counseling sessions (if given) should be referenced in written reprimands. The employee should be told in the written reprimand that repetition of the offense or a more serious offense will warrant further disciplinary action up to and including termination. The employee should sign the written reprimand to confirm receipt of the information and a copy should be provided for the employee's own records. Written reprimands will become part of the employee's official personnel file.

C. Suspensions During Investigation

In cases that have multiple issues or considerations or where the facts are not clearly evident, an investigatory suspension may be invoked by placing the employee on a leave of absence without pay. Suspension during investigation means the interruption of active employment status (without compensation) pending investigation and a decision as to the extent of disciplinary action. Time off during an investigatory suspension may be considered part of the disciplinary suspension period if the investigation finally determines that disciplinary suspension is appropriate.

D. Suspension

A suspension may be administered for the first offense of a serious nature or for cumulative lesser violations. The period of suspension will vary depending on the seriousness of the offense and if previous disciplinary actions have been issued. In cases where the suspension is based on cumulative lesser violations, details of the previous disciplinary actions that led up to the suspension, including informal counseling, and oral reprimands shall be cited in the notice of suspension. The employee should be made aware of the reasons for the suspension and the consequences of future violations or problems. The employee should sign the notice of suspension as having been received and a copy of the suspension notice should be given to the employee. All suspensions are without pay. Accrued leave of any kind may not be used for a suspension. During the suspension period, the employee will not be allowed in the workplace. A record of the suspension will become part of the employee's official personnel file and will be permanent.

E. Termination

If other disciplinary actions fail to eliminate rule violations or if an employee commits a serious disciplinary infraction, the employee is subject to termination. Serious misconduct may require immediate termination without prior warning.

All pertinent facts should be considered in the evaluation of events leading up to termination. If it is determined that termination is proper and justified, a letter of dismissal should be prepared for the Commissioner or designee's signature. This letter should contain a summary of events leading up to the termination, including prior disciplinary action and/or aggravating circumstances.

F. Reassignments and Demotions

Reassignments and demotions may also be used in conjunction with the above sanctions or separately as a form of disciplinary action.

IV. PROCEDURES FOR ALL ACTIONS ABOVE WRITTEN REPRIMAND

No disciplinary actions beyond a written reprimand may be taken without being authorized by the Commissioner of Agriculture or a designee. The following steps shall be followed in such cases when discipline beyond the written reprimand is necessary.

- A. The supervisor and/or manager should present all facts surrounding the incident to the Assistant Commissioner or designee, with a recommendation for discipline.
- B. The supervisor and/or manager should discuss the matter with the Human Resources Director or designee. Human Resources may conduct an investigation and coordinate the involvement of the General Counsel as needed.
- C. The Human Resources Director or designee will discuss any disciplinary actions with the Commissioner or designee. The Assistant Commissioner or designee should sign written reprimands, notices of suspension, demotions, and termination letters under the authority of the Commissioner of Agriculture.
- D. The Human Resources Director or designee will approve the wording of written reprimands, suspensions, terminations, or other disciplinary-related documents.

V. CONDUCT WHICH MAY RESULT IN DISCIPLINARY ACTION

It is not possible to list all acts or omissions which might result in disciplinary action. The following list includes some of the actions that are unacceptable and can result in disciplinary action or termination. The list is by no means complete.

The agency will determine what degree of disciplinary action is appropriate. The agency will take into account various factors such as the seriousness of the offense, the employee's prior disciplinary record, and the employee's prior work record. The factors to be considered and the weight to be given to them rest in the sole discretion of the agency.

The following disciplinary actions are to be used only as guidelines and are not intended to be all-inclusive. The state and federal laws referenced below are not all-inclusive in administering discipline.

OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Unauthorized Leave	Written Reprimand to Termination
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand to Termination
Abuse or Misuse of Leave (<i>Refer to the Family Medical Leave Act and Americans with Disabilities Act for guidance</i>)	Written Reprimand to Termination
Excessive Absenteeism	Written Reprimand to Termination (<i>To be used for employees who become unreliable because of frequent absenteeism, even if for good and sufficient reasons. Termination should be preceded by other progressive discipline in an attempt to inform the employee of the problem. Refer to Family and Medical Leave Act and Americans with Disabilities Act for guidance</i>)
Leaving Workstation Without Authorization	Written Reprimand to Termination
Reporting to Work Under the Influence of Alcohol	Suspension to Termination (<i>Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism</i>)
Drinking Alcoholic Beverages on the Job	Termination (<i>Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism</i>)
Reporting to Work Under the Influence of Drugs	Suspension to Termination
Possessing or Using Illegal Drugs on the Job	Termination
Insubordination	Written Reprimand to Termination

OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Falsification of Records or Documents	Suspension to Termination
Stealing / Theft	Termination
Negligence	Oral Reprimand to Termination
Willful Violation of Written Rules, Regulations or Policies	Written 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 or Appearing to Sleep While on Duty	Written Reprimand to Termination
Gambling While on Duty	Written Reprimand to Termination
Offensive Use of Profane / Abusive Language to Others	Written Reprimand to Termination
Loafing	Oral Reprimand to Termination
Interference With Other Employee's Work	Oral Reprimand to Termination
Working on Personal Jobs During Work Hours	Oral Reprimand to Termination
Excessive Use of Telephone or E-mail for Personal Matters	Oral Reprimand to Termination
Defacing State Property	Written Reprimand to Termination
Harassment (<i>Refer to Anti-Harassment Policy</i>)	Written Reprimand to Termination
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
Improper conduct toward or discourteous treatment of visitors and/or customers	Oral Reprimand to Termination
Failure to maintain satisfactory or harmonious working relationships with employees or supervisor	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
Misrepresentation of Facts	Written Reprimand to Termination

OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Workplace Violence (<i>Refer to Workplace Violence Policy</i>)	Suspension to Termination
Releasing Confidential Information	Written Reprimand to Termination
Serving in a Conflicting Interest	Written Reprimand to Termination
Any accumulation of 3 Written Warnings or higher within a period of 1 year	Suspension to Termination
Horseplay	Written Reprimand to Termination

VI. SUBSTANDARD WORK PERFORMANCE

When an employee’s work performance falls below performance requirements, a Warning Notice of Substandard Performance may be necessary. In cases of substandard work performance, the SCDA Employee Performance Management System (EPMS) Policy must be followed.

VII. ABANDONMENT OF POSITION

An employee who voluntarily fails to report to work for three consecutive workdays and fails to contact the appropriate supervisory authority during this time will be considered to have voluntarily resigned from South Carolina Department of Agriculture. The resignation is automatically accepted. A voluntary resignation is not a grievable issue.

VIII. EMPLOYEE COMMENTS

The employee may attach additional comments to any disciplinary action, if desired, within two weeks from the date of the disciplinary action.