

State Human Resources Policy # E24-108.01

Progressive Discipline 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 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.

DEFINITIONS

Agency – The South Carolina Military Department/Office of the Adjutant General

POLICY

1. The managers and supervisors of the South Carolina Military Department (Agency) will administer disciplinary actions in an equitable manner.
2. This Policy does not apply to probationary employees, except that a Probationary Employee subject to action(s) for disciplinary violation(s) should be provided an opportunity to submit rebuttal documents prior to imposition of any adverse disciplinary measure, and those rebuttal documents should be considered at each level of decision-making authority.
3. Temporary Grant employees, Temporary employees, Time-Limited employees, and other Agency employees exempt from the State Employee Grievance Procedure Act will be disciplined in accordance with this Policy; but do not have grievance rights per the State Employee Grievance Procedure Act.
4. Authorities
 - a. Department Heads, Program Managers and below have the authority to administer actions up to and including Written Reprimands.
 - b. The Deputy Adjutant General for State Operations is the approval authority for Downward Unclassified Title Changes, Reassignments, Downward Reclassifications, and Suspensions.
 - c. The Adjutant General is the approval authority for Demotions and Terminations.
5. This Policy provides for the following types of disciplinary actions:
 - Oral Reprimand or equivalent
 - Written Reprimand
 - Downward Unclassified Title Change
 - Reassignment
 - Downward Reclassification
 - Suspension
 - Demotion
 - Termination

6. Suspensions

a. All Suspensions will be without pay.

b. In instances where there is an on-going investigation due to situations that potentially impact the safety of employees or other individuals (i.e., workplace violence, harassment, etc.), the employee(s) may be suspended pending the results of the investigation. If the investigation determines the allegations to be unfounded, the Agency may reinstate the employee(s) with backpay.

7. Managers and supervisors will consider the circumstances surrounding an offense (e.g., severity of the offense, previous offenses, repetitiveness, previous counseling, etc.) to determine or recommend the actions to be taken.

a. Counseling or Oral Reprimands are normally sufficient for the first occurrence of a minor offense.

b. Repetition of minor offenses or the first occurrence of a more severe offense should result in a Written Reprimand or Downward Unclassified Title Change.

c. Further repetitions of the offenses or the first occurrence of a very serious offense should result in Reassignment, Downward Reclassification, Suspension, Demotion, Termination, or other appropriate action.

8. Agency employees who fail to report to work for three (3) consecutive workdays and fails to contact the appropriate supervisory authority during this time will be considered to have voluntarily resigned (see State Human Resources Policy #E24-110.01 – Resignation).

9. Supervisors and managers will address job performance related issues utilizing the processes and procedures as outlined in Employee Performance Evaluation System Policy (State Human Resources Policy #E24-106.01 - Employee Performance Evaluation System).

10. The Agency's State Human Resources Officer (State HRO) will review all progressive discipline action to ensure supervisors, Department Heads and Program Managers are being consistent in disciplinary action against employees involved in similar situations, and the Agency and subordinate organizations are in compliance with State and Agency policies and procedures.

11. The State HRO will post this Policy in such a manner as it is available to all State employees, provide a copy of this procedure to all State employees as a part of their in-processing, or provide a copy of this procedure as requested.

12. The State HRO will review and file the disciplinary documents and supporting documentation in the employee's personnel file.

PROCEDURE

1. The Supervisor or Manager will prepare a record of counseling or oral reprimands, with the employee's and the supervisor or manager's signatures, and maintain a copy of the actions with the supporting documentation at the Department or Program level.

2. The Supervisor or Manager will prepare a record of all written reprimands and/or disciplinary actions, and will forward a copy of the written reprimands and/or disciplinary actions with supporting documents, through their Chain of Command to the State HRO.

3. Counseling, reprimands and disciplinary actions must be signed by the employee as having been received and understood, or witnessed as to the employee's refusal to sign/acknowledge.

4. Recommendation for a Downward Unclassified Title Change, Reassignment, Downward Reclassification, and Suspension

a. The immediate supervisor initiating the action must submit a report to the Department Head or Program Manager stating the facts surrounding the incident.

b. The Department Head or Program Manager will:

- Submit the report, supporting documentation, and the disciplinary recommendation to the State HRO or their designee.
- Provide the employee the opportunity to include additional comments or documentation.

c. The State HRO or their designee will review the information and advise the Deputy Adjutant General for State Operation as to the adequacy and or appropriateness of the recommended actions.

d. The State HRO or their designee will inform the Department Head or Program Manager of the Deputy Adjutant General's decision.

e. The Department Head or Program Manager will:

- Inform the employee of the final action.
- Provide a copy of the final action and all supporting documents to the State HRO who will review and place the documents in the employee's personnel file.

5. Recommendation for Demotion or Termination

a. The immediate supervisor initiating the action must submit a report to the Department Head or Program Manager stating the facts surrounding the incident.

b. The Department Head or Program Manager will:

- Submit the report, supporting documentation, and the disciplinary recommendation to the State HRO or their designee.
- Provide the employee the opportunity to include additional comments or documentation.

c. The State HRO or their designee will review the information and advise the Adjutant General as to the adequacy and or appropriateness of the recommended actions.

d. The State HRO or their designee will inform the Department Head or Program Manager of the Adjutant General's decision.

e. The Department Head or Program Manager will:

- Inform the employee of the final action.
- Provide a copy of the final action and all supporting documents to the State HRO who will review and place the documents in the employee's personnel file.

6. Supervisors, Managers, Department Heads and Program Managers may use the following list of specific offenses and recommended range of disciplinary actions as a guide.

a. The list is not intended to be all-inclusive nor directive.

b. Supervisors, Managers, Department Heads and Program Managers should determine/recommend the appropriate discipline after considering the specific incident, and the mitigating or extenuating circumstances of the case.

Offense	Range Of Disciplinary Actions
Abuse of leave	Oral Reprimand to Termination (Refer to Family and Medical Leave Act and Americans With Disabilities Act)
Conviction of a misdemeanor up to a felony which adversely reflects on an individual's ability or suitability for continued employment	Termination
Defacing State property	Written Reprimand to Termination
Destruction or willful misuse of property or equipment	Written Reprimand to Termination
Discourteous treatment of visitors and/or customers	Oral Reprimand to Termination
Drinking alcoholic beverages on the job	Termination (Refer to the SC Code of Laws, Section 8-11-110 (Act on Alcoholism))
Excessive absenteeism	Used for employees, who become unreliable because of frequent absenteeism. 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)
Excessive use of telephone for personal matters	Oral Reprimand to Termination
Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand to Termination
Falsification of records or documents	Suspension to Termination
Habitual tardiness or failure to observe assigned work hours	Oral Reprimand to Termination
Harassment	Written Reprimand to Termination (Refer to Workplace Environment/ Workplace Harassment or Discrimination Policy)
Horseplay	Oral Reprimand to Termination
Improper conduct or conduct unbecoming a State employee	Written Reprimand to Termination
Insubordination	Oral Reprimand to Termination

Offense	Range Of Disciplinary Actions
Interference with other employee's work	Oral Reprimand to Termination
Leaving work station without authorization	Oral Reprimand to Termination
Loafing	Oral Reprimand to Termination
Malicious use of profane/abusive language to others	Oral Reprimand to Termination
Negligence	Oral Reprimand to Termination
Possession or use of illegal drugs on the job	Termination
Reporting to work under the influence of alcohol	Suspension to Termination (Refer to the SC Code of Laws, Section 8-11-110 (Act on Alcoholism))
Reporting to work under the influence of drugs	Suspension to Termination
Sexual harassment	Written Reprimand to Termination (Refer to Workplace Environment/ Workplace Harassment or Discrimination Policy)
Sleeping while on duty	Written Reprimand to Termination
Stealing	Termination
Unauthorized distribution of written or printed material of any kind	Written Reprimand to Termination
Unauthorized leave	Written Reprimand to Termination
Unauthorized possession of firearms on the job	Termination
Unauthorized solicitation or sales on State premises	Oral Reprimand to Termination
Unauthorized use of State equipment or property	Oral Reprimand to Termination
Workplace Violence	Termination
Willful false statements	Suspension to Termination
Willful violation of written rules, regulations or written policies	Oral Reprimand to Termination
Working on personal jobs during work hours	Oral Reprimand to Termination