

PROGRESSIVE DISCIPLINE - NUMBER 2527

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.

GENERAL INFORMATION

Employees are expected to perform their assigned duties competently and ethically; to demonstrate courtesy to coworkers and to the public; and to adhere to agency, state, and federal laws, rules and regulations. A review of 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 disciplinary policy does not apply to probationary employees who may be disciplined at the agency's discretion.

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 documented and forwarded to the Human Resources Office. A repetition of the offense or the first occurrence of a more severe offense should be followed by a written reprimand which 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 most difficult to be all-inclusive or to assign a degree of severity to the various examples given below. For example, "leaving the work station without authorization" may range from a temporary absence from the work station to complete abandonment of a position. In such case, 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.

Employees shall be furnished a copy of disciplinary actions and related documents placed in their official personnel file. Employees may attach additional comments to any disciplinary action, if desired, within two weeks from the date of the disciplinary action. Documents pertaining to disciplinary actions shall not be removed from the employee's official personnel file unless a grievance panel, mediation agreement, or court or law reverses the agency's decision.

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.

DISCIPLINARY ACTIONS

No disciplinary actions beyond a written reprimand may be taken without consultation by the Human Resources Director or designee and authorization by the Agency Director or designee. Division Managers 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 should present all facts surrounding the incident to his/her Unit Manager or designee, with a recommendation for discipline. The Unit Manager should present the facts to the Division Manager with a recommendation for discipline.
2. If the Division Manager agrees with the recommendation, the matter is next discussed with the Human Resources Director or designee. The Human Resources Director or designee should then discuss any actions above a written reprimand with the Agency Director or designee.
3. The notification of suspension, demotion, and dismissal should be taken after consultation with the Human Resources Director and approval of the Agency Director or designee, with the supervisor initiating the action.
4. The above steps should occur prior to the action becoming effective unless, in management's sole discretion, circumstances dictate the immediate suspension of an employee pending the outcome of an investigation.
5. The Human Resources Director or designee will approve the wording of written reprimands, suspensions, terminations or other disciplinary related documents that are beyond an oral reprimand.

CONDUCT WHICH MAY RESULT IN DISCIPLINARY ACTION

It is not possible to list all acts or omissions, which might result in disciplinary action. The list which follows includes some things which obviously are unacceptable and which can result in disciplinary action or termination. The list of offenses and indicated range of disciplinary actions is 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, management will determine the appropriate discipline after the particular circumstances of the case have been carefully considered. The state and federal laws referenced are not all-inclusive in administering discipline.

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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 of Leave (Refer to Family and Medical Leave Act and American with Disabilities Act)	Oral Reprimand to Termination
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 (Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)	Suspension to Termination
Drinking Alcoholic Beverages on the Job (Refer to Section 8-11-110 of the SC Code of Laws; Act on Alcoholism)	Termination
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

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OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Willful Violation of Written Rules, Regulations or Written 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 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
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 (Refer to the Anti-Harassment Policy)	Written Reprimand to Termination
Conviction of Up to a Felony	Termination

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OFFENSE	RANGE OF DISCIPLINARY ACTIONS
Conviction of a misdemeanor which adversely reflects on an individual's suitability for continued employment	Termination
Discourteous treatment of visitors and/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 (Refer to Workplace Violence Policy)	Termination
Unprofessional conduct, incompatible activities, unethical conduct, criminal indictments or convictions (other than minor traffic violations) or other employee behavior having potential or actual detriment to the agency or State operations or their image. Conduct can occur on or off the job/during or after work hours.	Written Reprimand to Termination

WORK PLACE VIOLENCE

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:

- Physical-the use of force in order to harm;
- Threats-expressions of intent to inflict injury;
- Harassment-words, gestures, and actions which tend to annoy, alarm, or abuse another person;
- Property damage-intentional damage to property owned by the state, employees, visitors, or vendors; and
- Domestic-physical harm or injury or an offer or attempt to cause physical harm or injury by a household member.