

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
HUMAN RESOURCES POLICY**

POLICY #: 701.03

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SUBJECT: Standards of Disciplinary Actions

Revised July 1, 2004

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STATEMENT OF POLICY

It is the policy of the South Carolina Department of Natural Resources to administer disciplinary action, suspension or termination of employees in an equitable, fair and as near a uniform manner as possible. The Department believes such a policy to be in the best interest of all employees. The purpose is not to restrict operating personnel but to assist them in solving problems involving discipline in a fair and equitable manner without prejudice or favoritism.

The policy is that any employee, regardless of occupation, position, profession, or type of work performed may be warned, reprimanded, suspended or terminated whenever employee action indicates the need. The degree and kind of action taken will be based upon the sound and considered judgment of the supervisor, Deputy Director, Human Resource Director, or Director as the circumstances dictate.

A standard range of penalties and uniform administration of remedial action is established for various types of undesirable conduct. Review of these 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 range of disciplinary standards. Consequently, each supervisor and employee will be given a copy of the policy, and explanations and interpretations concerning it will be readily available. This progressive discipline policy does not apply to probationary employees who may be disciplined at the Department's discretion.

I. Guidelines

Ordinarily, 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. Factors such as the employee's position and classification, the level of experience with the Department and related fields, whether the offense impacted private property or natural resources, any resulting injury to the State or private individuals, how the infraction affected the Department in effectively fulfilling its mission, and how the infraction affects the employee committing the infraction to effectively fulfill his/her job responsibilities will be considered in determining the appropriate level of discipline. Additionally, any other aggravating or mitigating circumstances may be considered in the overall determination of the appropriate level of discipline.

Because of their responsibility to enforce such laws, the Department expects and will ensure that law enforcement officers and other commissioned staff will be held to the highest standard of accountability concerning violations of State and Federal laws and regulations governing natural resources.

Usually, counseling or an oral reprimand is sufficient for the first occurrence of a minor offense. A record of this action should be placed in the supervisor's incident or documentation file. 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 are 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.

In all cases of formal disciplinary actions, the employee should sign the 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 an employee refuses to sign the disciplinary document, the supervisor shall so note on the document and have the document signed by another witness, if possible.

An employee receiving a counseling notice or an oral reprimand may petition for removal of any written documentation from the supervisory file upon completing one additional year without any further disciplinary actions.

II. Procedures for Administering Disciplinary Action

A. Oral reprimand

Ordinarily, an employee should be verbally admonished for relatively minor infractions of 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 is being afforded the opportunity to correct the problem. The supervisor should review with the employee exactly what is expected. 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 written reprimand, suspension, termination, reassignment, demotion or other appropriate action. The employee should sign a written acknowledgment of the issues discussed during the oral reprimand. The original written acknowledgment of the oral reprimand should be maintained in supervisory files, to be used to support future discipline as needed and a copy of the written acknowledgment given to the employee. The employee must be informed that the written acknowledgment of the oral reprimand will not become part of the employee's official personnel file in the Office of Human Resources.

B. Written Reprimand

A repetition of an offense covered in a previous oral reprimand, or the first occurrence of a more severe offense is normally followed by a written reprimand. Written reprimands should be approved in advance by the Deputy Director or his designee. The Human Resource Director should be contacted and given the details of the incident and may elect to review the wording of the written reprimand. The nature of the offense, the dates of any counseling sessions and the oral reprimand (if given) should be referenced in the written reprimand. The employee should be told in the written reprimand that repetitions of an offense or a more severe offense will warrant further disciplinary action. The employee should sign the written reprimand as having been received and understood. The original written reprimand shall be forwarded to the Office of Human Resources for inclusion in the employee's permanent personnel file, and a copy of the written reprimand provided to the employee.

C. Suspension, Reassignments, Demotions

Suspension is administered for severe offenses or for repeated lesser violations which have not been corrected through reprimands. The period of suspension may vary and depend on the nature of the offense and if previous reprimands have been issued. Details of the most recent offense and dates of reprimands and counseling sessions should be cited in the notice of suspension. All suspensions must be approved in advance by the Deputy Director with concurrence from the Human Resource Director. The Department Director should be notified prior to an employee being suspended, if possible. Reassignments and demotions for disciplinary reasons must be approved by the Deputy Director with concurrence of the Human Resource Director.

When a suspension, reassignment, or demotion is necessary and has been approved, the supervisor should follow the following guidelines:

1. Prepare a written notice of the suspension, reassignment and/or demotion, outlining the reasons for the disciplinary action, and in the case of suspension, the exact dates of suspension for review by the deputy director or his/her designee, the Human Resources Director and the Department Director.
2. Once the wording has been approved, the supervisor should present and discuss the written notice of suspension, reassignment and/or demotion with the employee. The employee will be told of the reasons the disciplinary action was taken.
3. The employee should be advised that if further disciplinary action becomes necessary, then the next appropriate action may be termination.
4. The employee should sign the notice of suspension as having been received and understood. The original notice of suspension, reassignment and/or demotion shall become part of the employee's official personnel file in the Human Resources Office.
5. Prepare a Personnel Transaction Request Form, with attached documentation and forward through division channels to the Human Resource Director.

Exception:

When the violation is for an infraction of safety rules of major significance or of a severe nature and it would be in the best interest of everyone concerned to remove the employee from the premises, the supervisor may suspend an employee immediately pending the outcome of an investigation into the matter. Ordinarily, this action should be approved by the Deputy Director or his designee in consultation with the Human Resource Director.

D. Terminations

If progressive discipline fails to eliminate behavioral problems or violations of rules, the employee is then subject to termination. Serious offenses, such as stealing, may call for immediate termination without prior warning or attempts to correct the problem.

All pertinent facts shall be considered in the evaluation of events leading up to the recommendation for termination. The supervisor should present all facts surrounding the incident to the next level of supervisor with a recommendation for the termination. The Deputy Director should then be presented the facts and the recommendation. If the Deputy Director agrees with the recommendation, the matter is next discussed with the Human Resource Directors who, with the Deputy Director, will seek the approval of the Department Director if the action is deemed appropriate. The letter of termination shall be reviewed by the Human Resource Director before being given to the employee. A Personnel Transaction Request Form should be prepared and sent to the Human Resource Director. The letter of termination should contain a summary of all events, such as reprimand, counseling, etc. leading up to the termination. The letter should also include notification of the employee's right to appeal the action.

An employee shall be removed from the position or terminated from the agency when work performance does not meet acceptable standards. In such cases, action shall be taken in accordance with the Employee Performance Appraisal System approved by the State Budget and Control Board.

Exception: (When other supervisory personnel are not available)

When a violation is for an infraction of safety rules of major significance of a severe nature and the offense calls for termination, the supervisor may suspend an employee immediately and advise him/her that termination will be recommended and is pending

approval of the proper authority. Ordinarily, this action should be approved by the Deputy Director or his designee in consultation with the Human Resource Director.

Attachment "A" lists actions in response to particular offenses. It is to be used as a guide and is not intended to be all-inclusive. At the occurrence of any of the listed offenses, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

Occasions may arise, however, where offenses are of such seriousness as to endanger the safety of persons or property or to cause intolerable disruptions to essential work. In such instances, there may be a need to suspend an employee immediately and without warning.

When such abrupt disciplinary action is deemed to be necessary, the following steps should be taken by the supervisor or responsible official involved:

1. He/she should tell the employee to leave the State property at once and either report to the supervisor the following day or remain away until further notice. In extreme emergencies, he/she may call upon a law enforcement official to carry out the removal of the offending employee.
2. After consultation with the Human Resource Director and approval by the Department Director or his designee, official notice of suspension, discharge, or other action shall be given to the employee.

III. Right of Appeal

An employee who has been terminated, suspended, demoted or reassigned in excess of 30 miles, may have the right to appeal such action through the Department's grievance procedure. A copy of the approved grievance procedure will be made available and explained to the employee in accordance with the State Grievance Act.

IV. Reported Employee Misconduct

Depending upon the severity, allegations of employee misconduct in the performance of his/her job responsibilities may warrant an internal investigation of complaints and/or reports of improper employee conduct. Such investigation may be conducted by the Internal Affairs Section of the Law Enforcement Division, the Human Resources Director, the appropriate Deputy Director or the Internal Audit Section.

**SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES
DISCIPLINARY ACTION GUIDELINES**

Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Abandonment of Position	(Employees who voluntarily fail to report to work for three consecutive work days and fail to contact the Department during this time period will be considered to have voluntarily resigned.)			
Abuse of Equipment	Oral Reprimand to Suspension	Suspension	Termination	
Abuse of Sick Leave	Oral Reprimand to Written Reprimand (Refer to FMLA and ADA)	Written Reprimand to Termination (Refer to FMLA and ADA)	Suspension to Termination (Refer to FMLA and ADA)	Termination (Refer to FMLA and ADA)
Acting as a Disrupting Factor	Oral Reprimand	Written Reprimand	Suspension	Termination
Any Accumulation of Three (3) Offenses 1 st or 2 nd Where the Offense Calls for Suspension Within a Period of One Year	Termination			
Any Accumulation of Three (3) Offenses Where the First Offense Calls for an Oral or Written Reprimand Within a Period of One Year	Suspension	Termination		
Conviction of a Criminal Offense Which Adversely Reflects on an Individual's Suitability for Continued Employment (Note: game, fish, commercial fishing, and boating violations treated separately.)	Termination			
Discourteous Treatment of Visitors and/or Customers	Oral Reprimand to Suspension	Suspension to Termination	Termination	
Drinking Alcoholic Beverages on the Job	Up to Termination (Refer to Section 8-11-110 of SC Code of Laws; Act on Alcoholism)			
Engaging in Unlawful Work Stoppages, Slowdowns or Strikes	Written Reprimand to Termination	Termination		
Excessive Absenteeism (LWOP and Sick Leave)	(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 Medical Leave Act and Americans with Disabilities Act.)			

Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Excessive Use of Telephone for Personal Matters	Oral Reprimand	Written Reprimand	Suspension	Termination
Failure to Carry Out or Follow Instructions	Oral Reprimand to Suspension	Written Reprimand to Termination	Suspension to Termination	Termination
Failure to Cooperate in Department Investigation	Written Reprimand to Termination	Suspension to Termination	Termination	
Failure to Maintain Satisfactory or Harmonious Working Relationships With Employees or Supervisors	Oral Reprimand	Written Reprimand	Suspension	Termination
Failure to Report to Work and Not Notifying the Supervisor	Written Reprimand to Suspension	Suspension	Termination	
Falsification of Records or Documents	Written Reprimand to Termination	Termination		
Habitual Tardiness or Failure to Observe Assigned Work Hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Improper Conduct or Conduct Unbecoming an Officer or State Employee	Oral to Written Reprimand and/or Transfer and/or Demotion to Termination	Written Reprimand to Suspension and/or Transfer and/or Demotion to Termination	Suspension and/or Transfer and/or Demotion to Termination	Termination
Insubordination and/or Failure to be Cooperative With Supervisor	Written Reprimand to Termination	Suspension to Termination	Termination	
Intentional Mishandling of Department Funds	Suspension to Termination with Reimbursement	Termination		
Interference With Other Employee's Work	Oral Reprimand	Written Reprimand	Suspension	Termination
Lack of Candor/Willful False Statements to a Supervisor	Written Reprimand to Termination	Suspension to Termination	Termination	
Leaving Work Station Without Authorization	Oral to Written Reprimand	Suspension	Termination	
Loafing	Oral Reprimand	Written Reprimand	Suspension	Termination
Malicious Use of Profane/Abusive Language to Others	Oral Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Negligence	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Negligent Operation of State Equipment (Boating Violations Treated Separately)	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination

Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Operating Department Vehicle or Equipment Without Required Valid License	Written Reprimand to Termination	Termination		
Positive Test Result Following Alcohol and/or Drug Test	No Action to Termination	Written Reprimand to Termination	Suspension to Termination	Termination
Possessing or Using Illegal Drugs on the Job	Termination			
Refusal to Submit to Alcohol and/or Drug Testing (Applies to Employees Covered By Policy)	Suspension to Termination	Termination		
Sexual Harassment	Written Reprimand to Termination	Termination (Refer to Sexual Harassment Policy 704.05)		
Sleeping While on Duty	Written Reprimand	Suspension to Termination	Termination	
Stealing	Suspension and Reimbursement to Termination	Termination		
Substandard Quality	Guidelines established in the Employee Performance Management System.			
Threatening or Making Threatening Actions Towards Another Employee	Suspension to Termination	Termination		
Unauthorized and/or Illegal Possession of Firearms on the Job	Suspension to Termination	Termination		
Unauthorized Distribution of Written or Printed Material of Any Kind	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Issuance or Possession of Department Equipment	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Leave (Leave requested by employee but denied by supervisor)	Written Reprimand to Suspension	Suspension	Termination	
Unauthorized Release of Confidential Information	Written Reprimand to Suspension	Suspension to Termination	Termination	
Unauthorized Solicitation or Sales on State Premises	Oral to Written Reprimand	Suspension	Termination	
Unauthorized Use of State Equipment or Property	Oral Reprimand to Termination	Suspension to Termination	Termination	

Offense or Job Deficiency	First Offense	Second Offense	Third Offense	Fourth Offense
Violation and/or Conviction of Any Conservation, Commercial Fish, Game, Fish or Boating Laws or Regulations of Any of the States of the United States	No Action to Termination	Suspension to Termination	Termination	
Violation of Chain of Command	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension	Termination
Violation of Department's Clean Air Policy #705.01	Oral Reprimand	Written Reprimand	Suspension	Termination
Violation of Traffic Laws in State Vehicle	No Action to Written Reprimand	Written Reprimand to Suspension	Suspension	Termination
Willful Destruction of or Defacing, or Misusing State Property	Written Reprimand to Termination	Termination		
Willful Violation of Written Rules, Regulations or Policies (Note: game, fish, commercial fishing, and boating violations treated separately.)	Written Reprimand to Suspension	Suspension to Termination	Termination	
Working on Personal Job During Work Hours	Oral to Written Reprimand	Suspension	Termination	
Working or Reporting to Work Under the Influence of Alcohol or Drugs	Suspension	Termination (Refer to Section 8-11-110 of SC Code of Laws; Act on Alcoholism)		

The above indicated actions in response to specific offenses are to be used as a guide and are 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.

In exceptional cases, deviation from the established guidelines may be made if approved by the Human Resources Director. A memorandum explaining the justification for the deviation must be submitted to the Human Resources Director prior to imposing disciplinary action. The employee must be provided a clearly documented reason for deviation from the established guidelines.