

South Carolina Department of Public Safety

Office of the Director

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POLICY	400.08G
EFFECTIVE DATE	MAY 11, 1994
ISSUE DATE	MARCH 3, 2010
SUBJECT	GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION
APPLICABLE STATUTES	S. C. Code of Laws §§ 8-11-230 , §8-11-690 , R. 19-717 et al.
APPLICABLE STANDARDS	11.3.2 , 26.1.1 , 52.2.7
DISTRUBTION	TO ALL EMPLOYEES

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.

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION				
[26.1.1] [52.2.7]				
OFFENSE	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE
Unauthorized Leave (absence without approval; does not show up; does not obtain prior approval for authorized leave; does not report for scheduled training.) [26.1.1] [52.2.7]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
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 abandoned their position and voluntarily resigned.			

OFFENSE	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE		FOURTH OCCURRENCE
Excessive or Habitual Tardiness [26.1.1] [52.2.7] or Failure to Observe Assigned Work Hours	Level I Reprimand		Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
Leaving Assigned Non-Security Work Area without Authorization	Level I Reprimand		Level II Reprimand to Suspension	Suspension to Termination	Termination
Leaving Assigned Security Work Area without Authorization [52.2.7]	Suspension to Termination [52.2.7]			Termination [52.2.7]	
Abuse of Leave (habitual use of annual or sick leave without sufficient notification, annual leave approved under false pretenses, or use of sick leave for purposes not authorized for the use of sick leave)	Level I Reprimand to Level II Reprimand		Level II Reprimand to Suspension	Suspension to Termination	Termination
Excessive Absenteeism	Level I Reprimand		Level II Reprimand to Suspension	Suspension to Termination	Action will be in accordance with the Family and Medical Leave Act
Insubordination (refusal to obey a directive or carry out instructions from a supervisor) [26.1.1] [52.2.7]	Level II Reprimand to Termination		Suspension to Termination [52.2.7]	Termination [52.2.7]	
Reporting to Work Under the Influence of	Suspension to Termination [52.2.7]		Termination [52.2.7]	Action will be in accordance with the Act on Alcoholism and the department's policy on Alcohol and	

Alcohol or Drugs [26.1.1] [52.2.7]			Drug Testing Program		
Possessing or Using Illegal Drugs on the Job [26.1.1] [52.2.7]	Termination [52.2.7]	Refer to the department’s Policy on Alcohol and Drug Testing Program			
Gambling During Work Hours	Level I Reprimand to Suspension	Suspension to Termination	Termination		
Sleeping or Appearing to be Sleeping during Work Hours	Level I Reprimand to Suspension	Level II Reprimand to Termination	Suspension to Termination	Termination	
Fighting, Other than Reasonable Defense to an Unprovoked Attack	Suspension to Termination	Termination			
Workforce Violence	Termination	Action will be in accordance with department's Violence in the Workplace Policy 200.29			
Inappropriate Use of Profane or Abusive Language [26.1.1]	Level I Reprimand to Level II Reprimand	Suspension to Termination	Termination		
Sexual Harassment	Level II Reprimand to Termination	Suspension to Termination	Termination	Action will be in accordance with the department’s Harassment – Free Workplace Policy	
Verbal or Physical Threats toward Another Employee or Supervisor [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]			
Deliberate Interference with Other Employee’s Work	Suspension to Termination	Termination			
Failure to Maintain Satisfactory or	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination	

Harmonious Working Relationships				
Discourteous Treatment of Visitors or Customers	Level I Reprimand to Suspension	Suspension to Termination	Termination	
Stealing State Property, Stealing while on duty or Stealing while on State Property [26.1.1]	Three day Suspension to Termination	Termination		
Misappropriation of department funds (including authorized charitable fund drives) [52.2.7]	Termination [52.2.7]			
Falsification of application for employment (essential information used to determine eligibility for employment, e.g. conviction record, education, training, employment history, etc.) [52.2.7]	Termination [52.2.7]			
Willful False Statement to a Supervisor [26.1.1] [52.2.7]	Termination [52.2.7]			
Failure to Provide Truthful and Complete Information (includes written, and oral	Termination [52.2.7]			

communications, reports or testimony) [52.2.7]				
Refusal to Cooperate with Administrative Investigations	Level II Reprimand to Termination	Termination		
Misuse of State Property or Equipment [26.1.1]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Negligent or Willful Destruction or Damage to State Property or Equipment	Level I Reprimand to Suspension	Suspension to Termination		
Destruction, Alteration or Falsification of Records or documents	Level II Reprimand to Termination	Termination		
Misuse of Work Time [26.1.1]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	
Excessive Use of Telephone for Personal Matters	Level I Reprimand	Level II Reprimand	Suspension	Termination
Unauthorized Release of Confidential Information	Level II Reprimand to Suspension	Suspension to Termination	Termination	

Unauthorized Distribution of Written, Printed or Electronic Material of any kind on State property or through the use of State Equipment or Property.	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized Procurements [52.2.7]	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination [52.2.7]	Termination [52.2.7]
Unauthorized Solicitation or Sales on State Property	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Unauthorized Use of State Equipment or Property [26.1.1]	Level I Reprimand to Level II Reprimand	Suspension	Termination	
Unauthorized Possession or Use of a Firearm or other weapon or contraband while on the job or on State property [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]		
Negligence in the Performance of Duty	Level I Reprimand to Termination	Suspension to Termination	Termination	
Negligence in the Performance of Supervisory Responsibilities	Level I Reprimand to Suspension	Suspension to Termination	Termination [11.3.2]	
Negligence in Following Rules, Regulations, - Policies or Procedures	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination

Willful Violation of Rules, Regulations, Policy or Procedure	Level II Reprimand to Suspension	Suspension to Termination	Termination	
Mishandling of department funds [26.1.1]	Level II Reprimand to Suspension	Suspension to Termination	Termination	
Mishandling of department documents	Level I Reprimand to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination	Termination
Engaging in Unlawful Work Stoppages, Slowdowns or Strikes	Suspension -to Termination	Termination		
Operating a State Vehicle while under the Influence of Alcohol or Drugs	Suspension to Termination	Termination	Refer to department’s Policy on Alcohol and Drug Testing Program	
Operation of a State Vehicle or Equipment without Required Valid License	Suspension to Termination			
Violation of Traffic Laws in State Vehicle	Level I Reprimand to Termination	Level II Reprimand to Termination	Termination	
Negligent Authorized Operation of a State Vehicle Resulting in an Accident/Personal Injury	The Fleet Safety Policy should normally be followed regarding vehicle accidents; however, the department reserves the right to take disciplinary action as the Director of the department deems necessary. Accident reports should be reported to the Resource Management Office. If discipline is also required the Human Resources Office should be notified.			
Improper Conduct or conduct unbecoming a State employee [26.1.1]	Level I Reprimand to Termination	Level II Reprimand to Termination	Termination	

Failure to Report Probable Violations of Federal or State Laws, excluding minor traffic violations	Suspension to Termination	Termination	
Conviction of or Violation of Federal or State Laws, excluding minor traffic violation	Level I Reprimand to Termination	Termination	
Failure to report violation of Policy by others	Level I to Level II Reprimand	Level II Reprimand to Suspension	Suspension to Termination
Failure to report violations of Federal or State Law by others	Level II Reprimand to Suspension	Suspension to Termination	Termination
Any Accumulation, within any 12-month period, of 3 or more Offenses which call for a Level I reprimand or above [26.1.1] [52.2.7]	Suspension to Termination [52.2.7]	Termination [52.2.7]	
Arrest or Indictment for Alleged Violation of Federal or State Law. [26.1.1] [52.2.7]	An employee charged (i.e. arrested or indicted) for an act which adversely reflects on his/her suitability for continued employment or which causes adverse publicity against the department may result in an immediate suspension pending the final disposition of the court. If the employee is exonerated or charges are dismissed through the judicial process or the court, the employee may be eligible for reinstatement with back pay. The Director, at his discretion, may temporarily reassign an employee until disposition of the charge. The department, however, may conduct its own investigation and take disciplinary action based upon its findings. An employee who is suspended due to an arrest or indictment for acts previously stated, may be terminated before the disposition of the charge against him/her, notwithstanding that (1) the charge is ultimately dismissed or dropped or (2) the employee is acquitted, if the Director or his designee, after investigation, determines that the charge is true. [52.2.7]		
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 WILL BE DETERMINED AFTER THE PARTICULAR CIRCUMSTANCES OF THE CASE HAVE BEEN CAREFULLY CONSIDERED. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE MAY TAKE MORE SEVERE OR LESS SEVERE DISCIPLINARY ACTION THAN THAT INDICATED ABOVE, INCLUDING TERMINATION, IF A DIFFERENT ACTION IS DEEMED APPROPRIATE.

By Order of the Director Date: March 3, 2010
Mark A. Keel
Director S C Department of Public Safety
The Original Signed Copy of this Policy is on File in the Office of the General Counsel