

TECHNICAL COLLEGE OF THE LOWCOUNTRY

PROCEDURE

PROCEDURE NUMBER: 6-1-601.9 REF. STATE BOARD POLICY: 8-5-100  
REF. STATE BOARD PROC.: 8-5-100.1

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PROCEDURE TITLE: CORRECTIVE AND DISCIPLINARY ACTION

BASED ON POLICY:

REVISION NUMBER: 1

OFFICE OF  
RESPONSIBILITY: HUMAN RESOURCES

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SEPTEMBER 18, 2012

PRESIDENT

DATE

DISCLAIMER

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**PURPOSE**

The purpose of this procedure is to establish guidelines for the resolution of disciplinary misconduct.

**1. GENERAL INFORMATION**

Disciplinary misconduct will be handled by one or more of the following actions, but not necessarily in this progressive order:

1. Informal Counseling\*
2. Oral Warning\*

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### 3. Written Warning\*

\*None of the first three disciplinary actions noted with an asterisk may be formally grieved or appealed through the State Employee Grievance Procedure Act.

4. Reassignment
5. Demotion
6. Disciplinary Suspension
7. Investigatory Suspension
8. Termination

The appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

It is the responsibility of the Human Resource Officer to ensure consistent application of disciplinary measures for the same or similar offenses; however, the Human Resource Officer must consult with the supervisor before disciplinary actions are taken.

Whenever possible, management should make reasonable efforts (e.g. training) to prevent disciplinary misconduct. However, if disciplinary measures are imposed, it is essential that:

- a. Each problem be investigated so that the facts of the situation are known.
- b. Any action taken should be corrective and be appropriate to the offense.

## 2. CASE BY CASE DETERMINATIONS

Management, in conjunction with the Human Resource Officer, must decide the appropriate discipline based on the circumstances in each case. No two cases are identical; therefore, it may not be possible to impose a particular discipline for a specific offense.

At the occurrence of any offense, the appropriate discipline shall be determined after the particular circumstances have been carefully considered.

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Multiple offenses, which when considered individually, may only require lesser disciplinary action; when combined, might require more severe disciplinary action.

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The below indicated range of offenses is to be used as a guide and is not intended to be all-inclusive.

Unauthorized Leave  
Habitual Tardiness or Failure to Observe Assigned Work Hours  
Abuse of Leave  
Excessive Absenteeism  
Leaving Work Station Without Authorization  
Reporting to Work Under the Influence of Alcohol  
Drinking Alcoholic Beverages on the Job  
Reporting to Work Under the Influence of Drugs  
Possessing or Using Illegal Drugs on the Job  
Insubordination  
Falsification of Records or Documents  
Stealing  
Negligence  
Willful Violation of Written Rules, Regulations or Written Policies  
Unauthorized Use of State Equipment or Property  
Destruction or Misuse of State Property or Equipment  
Unauthorized Solicitation or Sales on State Premises  
Unauthorized Possession of Firearms on the Job  
Unauthorized Distribution of Written or Printed Material of Any Kind  
Sleeping While on Duty  
Horseplay  
Malicious Use of Profane/Abusive Language to Others  
Loafing  
Interference With Other Employee's Work  
Working on Personal Jobs During Work Hours  
Excessive Use of Telephone for Personal Matters  
Defacing State Property  
Sexual Harassment  
Conviction of Up to a Felony  
Conviction of a Misdemeanor which Adversely Reflects on an Individual's  
Suitability for Continued Employment  
Discourteous Treatment of Visitors and/or Customers  
Failure to Maintain Satisfactory or Harmonious Working Relationships  
with Employees or Supervisors  
Improper Conduct or Conduct Unbecoming a State Employee  
Willful False Statements to a Supervisor  
Workplace Violence

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### **3. ORAL WARNING AND INFORMAL COUNSELING**

Generally, discipline is progressive and can start with informal counseling or with an oral warning. If it appears that an employee has failed to conduct himself/herself in accordance with SBTCE and TCL policies and procedures or state law, the supervisor should first talk to the employee about the matter and then, if necessary, informally inquire into the situation further. When the facts indicate the employee may have been at fault, the supervisor should discuss the matter with him/her privately. The supervisor's first objective should be to find out whether the employee understands the rules involved or the standard expected. If not, the supervisor should fully explain what is expected and should be open to consideration of whether special circumstances may have been involved.

The employee should be cautioned that further offenses could result in serious disciplinary action up to and including termination. Informal counseling and oral warnings should be briefly documented for the employee or supervisor's file at the discretion of the supervisor or higher level manager.

### **4. WRITTEN WARNING**

If a conduct problem continues after the oral warning or informal counseling, a written warning should follow. However, a written warning can be the first step depending upon the seriousness of the offense. The issuance of a written warning is a serious step. It creates a negative record to be considered in connection with performance review, promotion, and similar actions. However, a written warning may be the best way to motivate the employee to the desired improvement.

The written warning should be written by management in consultation with the Human Resource Officer, prior to being issued to the employee. It should be sufficiently detailed to let the employee know the reasons for the disciplinary action. It should also advise the employee that the future occurrence(s) may result in further disciplinary action up to and including termination.

A copy of the written warning should be sent to the Human Resource Officer for the employee file. It should bear the employee's comments, if any, and signature indicating receipt. The employee should be advised that signing only indicates receipt of a copy, and not necessarily agreement with the contents of the warning. If the employee refuses to sign, the refusal should be witnessed by another manager.

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### 5. DISCIPLINARY REASSIGNMENT

Depending on the severity of and the circumstances related to the offense, disciplinary action may result in a reassignment to a more suitable job within the department or institution. Reassignment from one job to another must be coordinated with the Human Resource Office to ensure that no inequities in classification will exist due to the reassignment.

Management should make reasonable efforts to ensure that any reassignments exceeding thirty (30) miles from the employee's previous worksite are necessary, and have been given appropriate consideration, since involuntary reassignments could be grievable. (See State Board Procedure 8-6-100.1)

### 6. DISCIPLINARY DEMOTION

If, during the investigation of the misconduct or the initial disciplinary action, it is determined that the employee could possibly function satisfactorily in a position in a state classification, in a lower pay band than what the employee currently occupies, then demotion should be considered. This action should also be coordinated with the Human Resource Officer, prior to notifying the employee of the disciplinary action.

### 7. DISCIPLINARY SUSPENSION WITHOUT PAY <sup>1</sup>

Disciplinary suspension without pay is a very serious form of corrective action. It should only be employed when management or supervision believes that by its use the employee will correct this misconduct. The disciplinary suspension without pay should be for a specified period of time but only of a duration sufficient to correct misconduct.

The employee will be given a written statement of the reasons for disciplinary suspension. Disciplinary suspensions should be acknowledged in writing as received by the employee and witnessed by an equal or higher level manager if the employee refuses to sign. Exempt employees may not receive suspension without pay for less than one full day.

<sup>1</sup> Disciplinary suspensions are always without pay.

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### **8. INVESTIGATORY SUSPENSIONS WITHOUT PAY**

In cases that have many issues or considerations or where the facts are not clearly evident, an investigatory suspension may be used by placing the employee on a leave of absence without pay. Investigatory suspension 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. If the investigation finally determines that appropriate disciplinary action is less than the length of the investigatory suspension without pay, then the employee will receive back pay for the difference. The investigatory suspension should last only long enough to permit time for adequate investigation and the formulation of a decision after the investigation.

### **9. DISCIPLINARY TERMINATION OF EMPLOYMENT**

Termination should only be used as a last resort.

Termination without prior disciplinary action may only be justified for very serious offenses (e.g. workplace violence, threats, etc.) as determined by the System Office/College management.

### **10. RELATED POLICIES, PROCEDURES, OR REGULATIONS**

Before taking disciplinary actions involving alcohol, drugs, harassment of any type, management should ensure compliance with the following sources respectively:

SC Code - Section 8-11-110 (Alcoholism); agency Policy 8-7-105 (Employee Alcohol/Drug Use), Procedure 8-5-101.1 (Anti-Harassment), and Policy 8-5-102 (Workplace Violence). Also, TCL Policies 2-1-229 (Alcohol and Drug Use) and 6-1-606 (Anti-Harassment) and Procedure 6-1-601.21 (Anti-Harassment).

Also, all competency and job performance related issues should be addressed through the following agency procedures:

Agency Procedure 8-4-100.1 and 100.2 (EPMS) and 8-4-101.1 (FPMS). Also TCL Procedure 6-1-601.12 (EPMS) and 6-1-601.13 (FPMS)

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### **11. VOLUNTARY RESIGNATIONS**

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the System Office or College during this time period will be considered to have voluntarily resigned.

### **12. FAIRNESS AND CONSISTENCY**

Fairness and consistency require that certain general principles of administering discipline be followed by all management; therefore, the Human Resource Officer should coordinate any disciplinary action with management and employee. Disciplinary actions beyond the written warning must have the approval of the President of System Office Executive Officer.