

FRANCIS MARION UNIVERSITY
Human Resources Office

SUBJECT: Progressive Discipline Policy

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PROGRESSIVE DISCIPLINE POLICY

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE A BINDING EMPLOYEE CONTRACT BETWEEN THE EMPLOYEE AND THE UNIVERSITY. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART.

General: A standard range of penalties and uniform administration of remedial action is established for various types of undesirable conduct. Employees are expected to perform their work efficiently and effectively and to be conscious of the public expectations of the University and its employees. Supervisors are expected to set examples by their own conduct, attitudes, and work habits. Explanations and interpretations of this policy will be readily available. Every employee and supervisor will receive a copy of this policy and procedure.

This policy applies to classified and unclassified employees other than faculty, and does not apply to probationary employees.

For appropriate cause, any classified and unclassified non-faculty employee, regardless of occupation, position, profession, or work performed, may be reprimanded, suspended or terminated whenever such action is considered necessary by supervisors or other persons in positions of authority. Administration of disciplinary measures must be fair and equitable and free of prejudice or favoritism.

The overall objective of disciplinary action is to correct or eliminate inappropriate behavior or misconduct. This policy is intended to provide overall guidance; however, the circumstances of a particular situation may well warrant disciplinary actions less or greater than indicated in the guide for disciplinary action.

Guidelines: Employees who are found to be in violation of University rules will normally be given adequate opportunity to improve. Ordinarily, the circumstances surrounding a rule infraction, such as the severity of the offense, the number of times it has occurred and any previous counseling will suggest what action should be taken. Whenever possible, counseling and/or other non-punitive procedures should be used before formal disciplinary action is involved. Disciplinary actions, in general, are considered progressive and constructive measures for the correction of deficiencies in the conduct of employees.

It is important that a supervisor conduct a thorough investigation of the facts and circumstances,

including the employee's explanation, prior to administering disciplinary action. This requires a supervisor to actively seek information in a fair, objective, and nondiscriminatory manner.

Disciplinary Actions: No disciplinary actions beyond an oral reprimand may be taken without being authorized by the Vice President for Administration. The steps for disciplinary action are as follows:

- A. **Oral Reprimand:** Ordinarily, an employee should be verbally admonished (oral reprimand) for minor misconduct. The supervisor should talk privately with the employee and cover the following:
1. Review exactly what is expected of the employee and why.
 2. Explain to the employee why his conduct is unsatisfactory.
 3. Allow the employee to give his/her side of the story.
 4. Specify what disciplinary action will be taken if similar problems continue.

Record the date of the interview and information covered in the interview. Have the employee sign and date the notice. The "written" oral reprimand should be placed in the employee's human resource file.

- B. **Written Warning for Disciplinary Action:** (three-part form requested from the Human Resources office). If, because of the seriousness of the first offense, or if the employee has repeated the first offense covered by the oral reprimand, and the supervisor determines that a written reprimand is warranted, the following action should be taken:
1. The written warning must be on the Written Warning Notice for Disciplinary Action form available from the Human Resources office. Prior to obtaining the Written Warning Notice for Disciplinary Action form, a copy of earlier "written" oral reprimand(s) pertaining to the current situation must be made available to the Human Resources office. The written warning must specify details of the employee's misconduct. The written warning should also include the corrective action needed, if any, and a statement that a recurrence of the same type of conduct could result in additional disciplinary action leading to and including termination.
 2. Types of violations:
 - a. If the employee has repeated the violation covered in the prior "written" oral reprimand, the supervisor should review again with the employee the points covered in the "written" oral reprimand.
 - b. If the offense is the first, and of such serious nature as to warrant more than an oral reprimand but does not warrant suspension or termination, then a written warning should be given to the employee.

The supervisor should review the written warning with the Vice President for Administration prior to delivering it to the employee. The supervisor should then review the warning with the employee. It should be signed by the employee with an indication that it has been received. If the employee refuses to sign, the supervisor should have another supervisor witness by signing the written warning that the written warning was delivered to the employee.

A copy of the written warning must be forwarded to the Human Resources office. It will become a permanent part of the employee's human resource file.

- C. **Suspension:** The Vice President for Administration is authorized to effect suspensions. If, because of the seriousness of the offense, or if the employee has repeated the offense which calls for a suspension, and the supervisor determines

that a suspension is warranted, the following action should be taken:

1. The supervisor submits a written summary, which is reviewed by the department head, of the cause to Vice President for Administration.
2. The suspension letter will be written and signed by the Vice President for Administration and given to the employee with a copy to the supervisor, department head, and appropriate Vice President or President. The letter will include the following:
 - a. Any previous disciplinary steps or counseling sessions relating to the deficiencies in conduct;
 - b. The detailed reasons for the disciplinary action;
 - c. The corrective action needed by the employee;
 - d. The specific dates of the suspension;
 - e. That termination may result in the case of recurrence; and
 - f. The employee's right to appeal the decision through the University's Employee Grievance Procedure.
3. A suspension may be given when an employee has been arrested or is the focus of an investigation and his/her continued presence at work is not in the best interest of the employee or the University. Under these circumstances the employee will be placed on an indefinite suspension pending the outcome of the situation. If the employee is exonerated or charges are dismissed through the judicial process and/or including the court system, he/she may be entitled to reinstatement with back pay. The University, however, may conduct its own investigation and take appropriate disciplinary action based upon the findings.

D. **Termination:** Termination is the most serious disciplinary action and should be taken only after a careful review of the situation. An employee may be terminated due to the frequency or nature of serious misconduct. Very serious offenses may be cause for immediate termination without prior progressive disciplinary steps. Vice Presidents or their designees are authorized to effect terminations. If, because of the seriousness of the offense, or if the employee has repeated the offenses which ultimately call for a termination, and the Vice President determines that a suspension is warranted, the following action should be taken:

1. The supervisor prepares a written summary of the case with all previous disciplinary steps outlined, which is reviewed by the department head, to the Vice President or his designee and to the Vice President for Administration prior to any disciplinary action being taken.
2. The Vice President or his designee will review the case and, if possible, meet with the employee to give the employee an opportunity to respond to the charges. The Vice President or his designee will then consult with the Vice President for Administration and will authorize a letter of termination if warranted.
3. The Vice President for Administration will write and sign the termination letter and it will be given to the employee. The termination letter shall include the following:
 - a. Previous disciplinary steps;
 - b. The reason for termination;
 - c. The effective date of the termination; and
 - d. The employee's right to grieve this decision through the University's Employee Grievance Procedure.

E. Reassignment or demotion may be considered as an alternative to the above disciplinary actions.

The record will be placed in the employee's permanent human resource file in the Human Resources office. Pay for time worked in the pay period in which the employee is terminated will be paid on the next immediate pay date.

Guide for Disciplinary Actions: Suggested standards/guidelines for disciplinary action are attached. This list is not all-inclusive and is intended only as a guide. Other offenses may occur that require disciplinary action. The severity of the punishment should always be related to the seriousness of the offense.

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Absenteeism or Tardiness				
*Excessive Absenteeism (LWOP or docked time)	Oral Reprimand	Written Reprimand	Termination	
Failure to report to work and not notifying appropriate personnel-supervisor, department head, or Human Resources office for up to two workdays.	Written Reprimand to Suspension	Suspension to Termination	Termination	
Voluntary Abandonment of Position	Employees who voluntarily fail to report to work for three (3) consecutive days and fail to contact the University during this time period will be considered to have voluntarily resigned.			
Habitual tardiness or failure to observe assigned work hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Leaving work station without authorization	Oral to Written Reprimand	Written Reprimand	Suspension to Termination	Termination

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Leave				
*Abuse of sick leave	May require doctor's statement if abuse is suspected	Written Reprimand	Suspension to Termination	Termination
*Excessive use of sick leave	Written Reprimand	Suspension	Termination	
Unauthorized leave	Written reprimand	Suspension to Termination	Termination	

*Refer to the Family Medical Leave Act and the Americans With Disabilities Act.

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Contact With Others: Supervisor, Co-Workers, Students, or Others				
Interference with work of other employees	Oral to Written Reprimand	Written Reprimand	Suspension to Termination	Termination
Failure to maintain satisfactory working relations with other employees, students, and public	Oral Reprimand to Termination	Written Reprimand to Termination	Suspension to Termination	Termination
Refusal to cooperate with administrative investigations or to answer a work-related question or inquiry	Termination			
Sexual Harassment	Written Reprimand to Termination	Termination	(Refer to Sexual Harassment Policy)	

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Drug & Alcohol Related				
Drinking alcoholic beverages on the job	Termination		(Action must be in accord with the Substance Abuse Compliance Policy – Refer to Section 8-11-110, Code of Laws – Act on Alcoholism.)	
Possession of or use of illegal drugs on the job or at a University-sponsored activity	Termination			
Possession of illegal drugs with the intent to distribute on or off the job	Termination			
Reporting to work under the influence of alcohol	Written Reprimand to Termination	Termination	(Action must be in accord with the Substance Abuse Compliance Policy – Refer to Section 8-11-110, Code of Laws – Act on Alcoholism.)	
Reporting to work under the influence of illegal drugs	Written Reprimand to Termination	Termination	(Action must be in accord with the Substance Abuse Compliance Policy.)	
Violation of the Substance Abuse Compliance Policy	Written Reprimand to Termination	Suspension to Termination	Termination	
Using illegal drugs on the job	Termination			

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
Federal or State Criminal Violation			
Arrested or indicted for alleged violation of Federal or State criminal laws	When an employee is arrested for any offense other than a minor traffic offense, the supervisor should immediately conduct an investigation to determine if any of the offenses listed in these guidelines have occurred. Should the supervisor deem it necessary, the employee may be suspended immediately pending further investigation. An employee who is placed on leave of absence due to arrest or who is suspended as a result of the filing of an indictment or information may be terminated before disposition of such charges and notwithstanding that (1) the charge is ultimately dismissed or dropped, (2) the employee is acquitted.		
Conviction of Federal or State criminal laws other than minor traffic offenses	Written Reprimand to Termination	Suspension to Termination	Termination
Violation of State or Federal Ethics Laws	Written Reprimand to Termination	Suspension to Termination	Termination

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Job Deficiency				
Failure to obtain or maintain a license or certificate required as a condition of employment	Written Reprimand to Termination	Suspension to Termination	Termination	
Substandard quality of work	(See guidelines in the EPMS policy.)			

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Misconduct				
Conduct reflecting unfavorably on the reputation of the University or that adversely affects or interferes with the normal operations of the University	Written Reprimand to Termination	Suspension to Termination	Termination	
Conduct such that the employee's presence on the job could or would threaten the safety or health of the employee or others or such that the employee's fitness to perform assigned duties is affected	Written Reprimand to Termination	Suspension to Termination	Termination	
Fighting, other than reasonable defense to unprovoked attack	Suspension to Termination	Termination		
Gambling during work hours	Written reprimand to Termination	Suspension to Termination	Termination	
Gross misconduct or conduct unbecoming a University employee which substantially affects the employee's fitness to perform assigned duties	Written Reprimand to Termination	Suspension to Termination	Termination	
Horseplay	Oral Reprimand	Written Reprimand	Suspension	Termination
Insubordination	Written Reprimand to Termination	Suspension to Termination	Termination	
Malicious use of profane or abusive language to others	Oral Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Sleeping while on duty (N/A to those on 24 hour work schedule)	Written Reprimand	Suspension to Termination	Termination	
Stealing	Termination			
Willful violation of written rules, regulations or policies	Written reprimand to Termination	Termination		

OFFENSE OR JOB DEFICIENCY	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Other				
Excessive use of telephone for personal matters	Oral Reprimand	Written Reprimand	Suspension	Termination
Falsification of records	Written Reprimand to Termination	Termination		
Working on a personal job during work hours	Written Reprimand	Termination		
Unauthorized breaks or delays in assigned tasks	Oral to Written Reprimand	Written Reprimand to Termination	Termination	
Unauthorized political activity	Written Reprimand	Suspension to Termination	Termination	
Unauthorized possession of a firearm on the job	Termination			
Unauthorized release of confidential information	Written Reprimand to Termination	Termination		
Unauthorized solicitation of sales on state premises	Oral Reprimand	Written Reprimand	Termination	
Failure to observe OSHA regulations	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension to Termination	Termination
Loafing	Oral to Written Reprimand	Suspension to Termination	Termination	
Negligence	Oral to Written Reprimand	Suspension to Termination	Termination	

ANY ACCUMULATION OF THREE OFFENSES WHERE THE FIRST OFFENSE CALLS FOR AN ORAL OR WRITTEN WARNING WITHIN A PERIOD OF ONE YEAR-- SUSPENSION TO TERMINATION.

ANY ACCUMULATION OF THREE OFFENSES WHERE THE FIRST OR SECOND OFFENSE CALLS FOR SUSPENSION WITH A PERIOD OF ONE YEAR--TERMINATION.

An employee may, however, be summarily discharged (for example, in cases of gross violation of rules, willful misconduct, dishonesty, or endangerment of life or property), without the benefit of prior disciplinary actions.

The appropriate Vice President, in conjunction with the Vice President for Administration, may take more severe or less severe disciplinary action than that indicated above, including termination, if, in the Vice President's judgement, different disciplinary action is appropriate.

These guidelines cannot cover every situation that might require disciplinary action nor are supervisors limited in applying disciplinary action to the personal conduct offenses listed in the Progressive Disciplinary Policy or in the exact sequence indicated. The purpose of these guidelines is to recommend the normal disciplinary actions to be taken for offenses listed. In the event that a situation occurs that is not listed, disciplinary action to be taken must be verified with the Vice President for Administration.

University policies are formulated to provide safeguards for employees and to promote only a positive image for the University. Disregard of these guidelines could result in appropriate disciplinary action.