

ADM-11.04, "Employee Corrective Action," September 1, 2007

SCDC POLICY/PROCEDURE

Change 2 to ADM-11.04:1.3;1.4;1.5

Change 1 to ADM-11.04: Attachment 1-A

NUMBER:ADM-11.04

TITLE:EMPLOYEE CORRECTIVE ACTION

ISSUE DATE:September 1, 2007

RESPONSIBLE AUTHORITY:DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL:ADMINISTRATION

SUPERSEDES: ADM-11.04 (August 1, 2004)

RELEVANT SCDC FORMS/SUPPLIES: 16-5, 16-50

ACA/CAC STANDARDS: 4-ACRS-7E-07, 4-4048

STATE/FEDERAL STATUTES:State Office of Human Resources Regulations

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, 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.

PURPOSE: To establish uniform guidelines for the application and administration of corrective action for employees who have committed rules infractions.

POLICY STATEMENT: In order to maintain a staff committed to integrity and professionalism, the Agency will develop and administer uniform employee corrective action procedures for the processing of employees who have committed rules infractions. Such procedures will be designed to encourage positive behavioral changes and to improve employee conduct. (4-ACRS-7E-07, 4-4048)

TABLE OF CONTENTS

1. GENERAL
 2. EMPLOYEE REVIEW MEETINGS
 3. REVIEW MEETING PROCESS
 4. CORRECTIVE ACTION GUIDELINES
 5. JOB ABANDONMENT
 6. SUBSTANDARD JOB PERFORMANCE
 7. RESIGNATION IN LIEU OF CORRECTIVE ACTION/TERMINATION
 8. RESIGNATION WHILE UNDER INVESTIGATION
 9. EMPLOYEE GRIEVANCE PROCEDURE
 10. DEFINITIONS
- ATTACHMENT 1-A, SANCTIONS/VIOLATIONS
- ATTACHMENT 2-A, GUIDELINES FOR EMPLOYEE CORRECTIVE ACTION

SPECIFIC PROCEDURES:

1. GENERAL:

1.1 The specific procedures contained herein are applicable to all Agency personnel in covered positions, and may be applicable to contract personnel, if stipulated in the employment contract.

1.2 Employees attending the Basic Officer Certification Class may be terminated by the Director of Training for academic failure or violation of Agency/Academy rules or regulations. Employees failing to qualify under Continuing Law Enforcement Education (CLEE) requirements will be terminated by the applicable Warden or Division Director. In these cases, the termination provisions of this policy/procedure are not required.

1.3 All security and non-security employees may be terminated, as directed by the Division Director of Human Resources/designee, for the following: (Changes in RED amended by Change 2, dated April 1, 2015, which goes into effect May 2, 2015.)

- Defaulting on the repayment of certain guaranteed government student loans;

- Workers' compensation cases which prevent the employee from returning to work and performing the essential functions of their positions;
- Absences for any employee which cause them to exceed leave requirements of the State of South Carolina;
- Indictment of a crime that carries a potential sentence of one year or more;
- Conviction of a Felony,
- Conviction of a DUI (i.e. Driving Under the Influence, Driving While Impaired, Driving While Intoxicated, etc.),
- Conviction of any crime which is serious enough in nature to create a substantial security risk or pose a threat to the Agency or the Agency's image, or,
- Failure to report arrestswarrant and the dispositions, indictmentor court ordered restraining orders in a ~~timely manner as required by policy~~ accordance with SCDC Policy ADM-11.17, "Employee Conduct," sections 4.1 and 4.1.1.

NOTE: Employees who are arrested, but not convicted, of a DUI or a felony prior to the effective date of this policy, and whose job does not require them to be certified, will not be terminated for these reasons.

1.3.1 In addition, security employees may be terminated by the Division Director of Human Resources if convicted of crimes that would cause their de-certification as a Class I or II Officer for any reason as directed by the State Criminal Justice Academy. In the above listed cases, the termination provisions of this policy are not required.

1.4 The Agency may suspend or terminate an employee who is arrested, indicted or convicted for violation of federal or state law for an act which adversely reflects upon his/her suitability for continued employment. (This new section, 1.4, added by Change 2, dated April 1, 2015, which goes into effect May 2, 2015.)

~~1.5~~ 1.5 This policy does not apply to probationary status employees who may be disciplined and terminated, at the discretion of the Agency. (Changes in RED amended by Change 2, dated April 1, 2015, which goes into effect May 2, 2015.)

2. EMPLOYEE REVIEW MEETINGS:

2.1 Employees suspected of committing a rules infraction(s) will be afforded the opportunity to have his/her case heard by the Reprimanding Authority to review the information concerning each case; to determine whether the employee has committed a violation; to properly characterize the violation; and, if necessary, to assess corrective action.

2.2 Employees will be notified at least 24 hours in advance of their scheduled Review Meeting with the Reprimanding Authority. This notification may be served on the employee by the Reprimanding Authority, any supervisor in their chain of command; the Human Resources Manager or designee; or by certified mail as stated in Section 4.2. SCDC Form 16-50, "Employee Corrective Action," will be used for this purpose. In some cases, however, circumstances (i.e., employee incarceration, out of state, illness/injury, etc.) may prevent a formal scheduled review meeting. These exceptions will require the approval of the Division Director of Human Resources or designee. Documentation of the employees receipt of this notification should include the employees signature, certified mail receipt, or a signature of a witness (if the employee refuses to sign). The 24-hour notice of the review meeting may be waived by the employee. The waiver must be noted on SCDC Form 16-50, "Employee Corrective Action."

2.3 A review meeting is not required for employees charged with violation 270 Positive Drug Test Results and 280 - Failure to Submit to a Drug or Alcohol Test. Upon notification of the positive test result, the Reprimanding Authority will immediately place the employee on suspension. If the employee requests a reconfirmation test, s/he will remain on suspension until the results are confirmed. If no reconfirmation test is requested, the Reprimanding Authority will proceed with the termination process.

3. REVIEW MEETING PROCESS:

3.1 Employee Review Meetings should be conducted within ten (10) calendar days after the employee has been notified of the meeting or within 15 calendar days from the date that the investigative report/summary is received by him/ her.

3.2 The Employee Review Meeting will be convened at the appointed date and time, and the employee will, again, be advised of the alleged violation. Should the employee fail to appear as scheduled, the Reprimanding Authority may conduct the meeting in the employees absence. All participants will be advised that the issues being addressed are confidential in nature and should not be discussed outside the meeting. The employee may NOT be represented by counsel at this meeting.

3.3 The Reprimanding Authority will allow the employee the opportunity to respond to the allegation(s), present a defense on his/her behalf, and present pertinent supportive documentation relating to the allegation. (NOTE: Supportive documentation used by the Reprimanding Authority may include written documentation, statements, investigative reports/summaries, incident reports, and any other material available to the Reprimanding Authority concerning the allegation. If such information is used, the information or a summary should be provided to the employee prior to the meeting. Based upon the available information, the Reprimanding Authority must determine if an alleged violation did, in fact, occur. The review meeting will also serve to determine the proper characterization of the violation. (For example, employees may have been notified that they were suspected of "negligence," but at the review meeting, it was determined they were asleep on their duty post. The characterization of the violation would then be changed to "sleeping on duty.")

3.4 If the Reprimanding Authority determines that a violation has occurred, s/he will complete SCDC Form 16-50, "Employee Corrective Action." The guidelines described in Attachment 1-A to these procedures have been established to assist the Reprimanding Authority in identifying the violation and imposing appropriate corrective action. The Reprimanding Authority will then arrive at a decision for corrective action based on the following:

- the seriousness of the violation;
- prior corrective actions against the employee (when considering such disciplinary matters, the Reprimanding Authority will give consideration to the amount of time that has elapsed since the employees last corrective action);

- the employees work record, length of service, and job performance; and
- multiple violations, associated with a single incident, may warrant more severe corrective action than a single violation.

3.5 Where an employee is found to have committed multiple violations, associated with a single incident, all the violations should be listed on SCDC Form 16-50, "Employee Corrective Action." The corrective action imposed should be in accordance with the range of corrective actions recommended for the most serious violation listed.

3.6 For any case heard by the Reprimanding Authority that results in no corrective action being imposed, the Reprimanding Authority must record his/her decision and reason in the "NO ACTION IMPOSED" space on SCDC Form 16-50, "Employee Corrective Action." The form should be retained at the work site, but not placed in the employee's personnel file.

3.7 Office of Record: All original signed SCDC Forms 16-50, "Employee Corrective Action" will be placed in the employees personnel file with copies to the Employee Relations Branch. Records of all corrective actions will be maintained by the Employee Relations Branch to be used in all matters relating to the employee. All corrective actions, with support documentation from both the employee and the Reprimanding Authority, will be forwarded to the Employee Relations Branch within five (5) workdays after final action is taken. Employee corrective action information will also be entered on the mainframe Automated Employee Disciplinary System by the Reprimanding Authority or designee immediately after final action has been taken.

3.8 Informal Resolution: At the discretion of the Reprimanding Authority, and after the employee has been informed of the corrective action, s/he may be offered the opportunity to voluntarily accept a lesser action as an informal resolution of the charge. (NOTE: Informal resolution cannot be used when the employee does not come to the review meeting nor when termination is the only option.)

3.9 When an employee accepts the informal resolution, the employee agrees to waive any available appeal rights. The employee must sign and date the informal resolution section on SCDC Form 16-50, "Employee Corrective Action."

3.10 An employee may, within seven (7) calendar days, by certified letter to the Reprimanding Authority, reconsider his/her decision to accept informal resolution and have the original corrective action restored.

4. CORRECTIVE ACTION GUIDELINES:

4.1 General: All corrective actions must be documented on SCDC Form 16-50, "Employee Corrective Action," and, if possible, should be signed by the employee. (Refer to Section 4.2, below.) All corrective actions will become a permanent part of the employees official personnel file, except written warnings. The employee may request that written warnings be removed from his/her file after a 24 month period if no additional corrective actions of any kind have been issued and the Reprimanding Authority has no objection to it being removed. (NOTE: Written warnings issued for violation of the following policies/procedures are permanent documents and may not be removed from the record):

- SCDC Policy/Procedure ADM-11.32, "Sexual Harassment;"
- SCDC Policy/Procedure ADM-11.34, "Employee-Inmate Relations," and
- SCDC Policy/Procedure ADM-11.06, "Employee Performance Management System."

4.2 In lieu of the employees signature on SCDC Form 16-50, "Employee Corrective Action," the following documentation will serve to verify the employees receipt of the form or the inability to serve the form:

4.2.1 If certified mail was used to notify the employee of the corrective action, "CERTIFIED MAIL" and the number assigned to the certified mail receipt will be written in the employees signature space by the Reprimanding Authority. The Reprimanding Authority and one (1) witness must sign the form.

4.2.2 If the employee refuses to sign, "REFUSED TO SIGN" will be entered in the employee signature space by the Reprimanding Authority. The Reprimanding Authority and one (1) witness must sign the form.

4.2.3 In the case of inability to serve the form, "Unavailable for Signature," will be entered in the employee's signature space. The Reprimanding Authority and one (1) witness must sign the form.

4.3 Reprimanding Authorities are required to discuss the procedural actions with the employee that can be taken for repeated infractions as well as recommendations for improvement (See Attachment 2-A).

4.4 Corrective Actions: The appropriate corrective action(s) will be determined after the particular circumstances of the case have been considered. The Sanctions/Violations (see Attachment 1-A) should only be used as a guide and are intended to be adjusted to address the severity of the offense except when termination is the only option. Corrective actions imposed outside the Sanctions/Violations (see Attachment 1-A) must be approved by the Employee Relations Branch, appropriate member of the Director's staff, and/or the Agency Director. Attachment 2-A is intended to be used as a guide for the Reprimanding Authority to ensure that the appropriate approvals are obtained and forms are completed based on action taken. Corrective action should be progressive in nature when possible. It is the Agency's position that each situation requiring corrective action is unique. Thus, the Reprimanding Authority should consider the totality of the circumstances and identify any aggravating or mitigating factors when determining an appropriate course of corrective action. The factors which should be considered by the Reprimanding Authority include, but are not limited to the following:

- Employee's work history;
- Previous disciplinary history;
- Employee Performance Management System (EPMS) appraisals;
- Action inadvertent or intentional; and
- Security, safety, or mission of the institution/division jeopardized.

The Reprimanding Authority may impose the following actions: (NOTE: These actions will be documented on SCDC Form 16-50, "Employee Corrective Action.")

4.4.1 Written Warning; A disciplinary probation may be added at the discretion of the reprimanding authority to indicate the severity of the offense.

4.4.2 Suspension; (See Attachment 1-A) The Reprimanding Authority is to contact the Employee Relations Branch for additional guidance.

4.4.3 Termination: A termination is the most severe type of corrective action. The Reprimanding Authority will determine if termination of an employee is warranted with the concurrence of the Office of General Counsel and the Branch Chief, Employee Relations Branch or designee. Justification for termination must be documented on SCDC Form 16-50, "Employee Corrective Action." The Reprimanding Authority is responsible for submitting SCDC Form 16-50 with supporting documents and a termination recommendation to the Employee Relations Branch for approval and final action. Prior to final approval of termination by the Employee Relations Branch, the Reprimanding Authority may take one of the following actions:

- temporary job change to another position;
- voluntary use of annual leave by mutual consent; and/or
- administrative suspension without pay pending investigation.

The Employee Relations Branch is responsible for:

- preparing and forwarding a letter of termination to the employee, and forwarding a copy to the appropriate institution/division and to the Division of Human Resources' Payroll Branch.

The institution/division is responsible for:

- completing payroll documentation (SCDC Form 16-5, "Personnel Advice") and forwarding the completed form, and all other pertinent documents, i.e., personnel file, leave file, etc., to the Division of Human Resources, Payroll Branch. (4-ACRS-7E-07,4-4048)

4.4.4 Demotion, Reassignment, or Other Appropriate Action may also be implemented to address undesirable conduct or a disciplinary offense. A demotion and/or reassignment may be used as an alternative to suspension or termination in some cases. The Reprimanding Authority should contact the Employee Relations Branch for additional guidance.

4.4.5 Temporary Assignment: In addition to the above, but not necessarily as a corrective action, the Reprimanding Authority may deem it in the best interest of the Agency, or the individual, to temporarily reassign (less than 90 days) the employee from one position to another in order to limit contact with inmates or other employees. In such cases, the following actions will be taken in the order listed:

- Work the employee in a non-contact position in the unit/department;
- Coordinate with the Warden, Division Director, or appropriate members of the Director's staff to temporarily move the employee to another unit/department; and/or
- Coordinate through the Employee Relations Branch, if necessary.

4.4.6 Employee Assistance Program (EAP): An employee may be given the opportunity to participate in the EAP as outlined in SCDC Policy/Procedure ADM-11.19, "Employee Assistance Program."

4.5 The Reprimanding Authority may place an employee on administrative suspension (a period of suspension without pay that may exceed 15 workdays) if the alleged violation or circumstances requires

that an employee not be allowed to return to work pending the outcome of an internal/external investigation or when the presence of an employee presents a perceived threat or danger to the health and/or safety of other employees or to the operation or security of an office or institution. (NOTE: If an employee is authorized to return to work, reimbursement for back pay may or may not be approved by the Division Director of Human Resources based on the circumstances of the administrative suspension.)

5. **JOB ABANDONMENT:** Any employee absent for three (3) consecutive workdays, regardless of his/her work schedule (7.5, 8, or 12 hours), without notifying his/her unit/department supervisor or a supervisor in his/her chain-of-command or other Agency official designated by his/her Warden or Division Director, will be considered to have voluntarily resigned his/her employment. This is an administrative procedure and will not be reported as a corrective action, nor will it be a grievable action. Upon notification from the employees work location, the Employee Relations Branch will be responsible for forwarding a certified letter to the employee accepting his/her voluntary resignation in these cases.

6. **SUBSTANDARD JOB PERFORMANCE:** Action issued for "Substandard Job Performance" will be in accordance with all SCDC policies/procedures related to the employee performance management system and must be coordinated through the Employee Relations Branch. Final approval on measures taken in these cases must have the concurrence of the Division Director of Human Resources. For further information see Agency Policy/Procedure ADM-11.06, "Employee Performance Management System."

7. RESIGNATION IN LIEU OF CORRECTIVE ACTION/TERMINATION:

7.1 If an employee voluntarily resigns in lieu of corrective action/termination, the following notation must be made on SCDC Form 16-5, "Payroll Advice Form": "Resigned in Lieu of Corrective Action/Termination." The Employee Relations Branch is responsible for preparing a letter accepting the employee's resignation and sending the letter to the employee acknowledging his/her voluntary resignation by certified mail. See Attachment 2-A for additional information.

7.2 An employee will be considered to have resigned in lieu of corrective action if s/he was:

- Notified in writing that an Employee Review Meeting would be conducted for a suspected rules violation and the employee opts to resign before the meeting; or
- Charged with an allegation, but resigned before the appropriate Division Director/Warden rendered a decision in the matter; or
- Charged with other disciplinary infractions and resigned before any corrective action could be completed.

7.3 Resignations will not be accepted for the following:

- Positive drug test results;
- Failure to submit to a drug or alcohol test; and
- Sexual misconduct with an inmate.

7.4 **No-Rehire Statement:** If applicable, the appropriate Reprimanding Authority may prepare a "No-Rehire Statement" and attach it to the SCDC Form 16-50, "Employee Corrective Action" to recommend that the employee be considered as unsuitable for rehire. (4-ACRS-7E-07, 4-4048)

8. RESIGNATION WHILE UNDER INVESTIGATION:

8.1 Employees who are the subject of an on-going investigation by federal, state, local, or Agency officials, and elect to resign before the investigation is completed will be considered to have resigned while under investigation. See section 7.3 for reasons a resignation will not be accepted. Refer to Attachment 2-A.

8.2 The following notation, "Resigned While Under Investigation," will be placed on the "Payroll Advice Form" (SCDC 16-5). The Employee Relations Branch is responsible for preparing a letter accepting the employee's resignation and sending the letter to the employee acknowledging his/her voluntary resignation by certified mail.

8.3 No-Rehire Statement: If applicable, the appropriate Reprimanding Authority may prepare a "No-Rehire Statement" and attach it to the SCDC Form 16-50, "Employee Corrective Action" to recommend that the employee be considered as unsuitable for rehire. (4-ACRS-7E-07, 4-4048)

9. EMPLOYEE GRIEVANCE PROCEDURE: Corrective actions may be grieved pursuant to the provisions of SCDC Policy/Procedure ADM-11.02, "Employee Grievance and Appeals," provided the action is grievable under provisions of the State Employee Grievance Act. Terminations can be grieved only after the effective date of the corrective action rendered by the Reprimanding Authority. (4-ACRS-7E-07, 4-4048)

10. DEFINITIONS:

Administrative Suspension refers to a period of suspension without pay that may exceed 15 workdays if the alleged violation or circumstances requires that an employee not be allowed to return to work pending the outcome of an internal/external investigation or when the presence of an employee presents a perceived threat or danger to the health and/or safety of other employees or to the operation or security of an office or institution. (NOTE: If an employee is authorized to return to work, reimbursement for back pay may or may not be approved by the Division Director of Human Resources based on the circumstances of the administrative suspension.)

Aggravating Factor refers to the existence of facts that make the offense worse or more serious.

Appropriate Director's Staff Member refers to the Division Director of Office of Budget and Resource Management, Programs and Services, Operations, Health Services; the Chief of Staff; the Inspector General; and the General Counsel.

Charging Party refers to the supervisor making the initial charge allegation. (If a Warden, Division Director, or an appropriate member of the Director's staff is the charging party, s/he may also serve as the Reprimanding Authority. If s/he does not wish to serve as the Reprimanding Authority, s/he will consult with his/her supervisor, who may serve as the Reprimanding Authority or may select another Warden, Division Director, or appropriate member of the Director's staff, or higher authority to serve as the Reprimanding Authority.)

Date of Corrective Action refers to the effective date of the corrective action entered by the Reprimanding Authority on the "Employee Corrective Action Form."

Demotion refers to the movement of an employee from one position to another position having a lower pay band.

Disciplinary Probation refers to corrective action imposed by the Reprimanding Authority upon an employee for a period of 30 to 180 calendar days. Disciplinary probation may be imposed as the only corrective action for an offense; however, disciplinary probation may also be included as a part of the corrective action if a written warning, suspension, or demotion is imposed. Multiple disciplinary probations will be served consecutively, not concurrently. In determining the starting date for disciplinary probation, the following guidelines are established:

- If an individual is not currently on disciplinary probation, the disciplinary probation period will start on the effective date of the corrective action as determined by the Reprimanding Authority. Disciplinary probation periods must not be back dated to the date of the violation, nor should the effective date be postponed in order for the employee to receive a pay increase, promotion, etc.
- While on disciplinary probation, an employee may not be recommended for or receive a performance pay increase, salary adjustment/reclassification, voluntary demotion, or voluntary promotion. Employees on disciplinary probation will receive legislated cost-of-living increases, merit increases, and class reallocation increases as authorized by the State Office of Human Resources.
- If an individual is currently serving a period of disciplinary probation, any subsequent period of disciplinary probation will start the calendar day after the current disciplinary probation period ends.
- Following the initial period of suspension, any time an employees disciplinary probation period is interrupted due to removal from the payroll for any reason, upon the employees return to work, the amount of time off the payroll will be added to the endingdate of his/her disciplinary probation period.

Dual Supervision refers to situations in which an employee is accountable to both the security and technical (e.g., food service, support services, and prison industries) lines of authority. Should it become necessary to impose corrective action upon a dual supervision employee, the following guidelines for determining the appropriate Reprimanding Authority must be followed:

- If the violation is technical in nature (e.g., food service, support services, and prison industries), the technical line of authority may issue the corrective action with communication and notification to the security supervisor prior to administering the action to the employee.
- If the violation is general in nature, or security related, the security line of authority may issue the corrective action, with communication and notification to the technical supervisor prior to administering the action to the employee.

Employee Review Meeting refers to a meeting between the Reprimanding Authority and the employee to determine if a violation occurred; to determine the proper classification of the violation; and to assess whether corrective action is warranted.

Mitigating Factor refers to the existence of facts that lessen the severity of the offense.

Probationary Status refers to an initial working test period of employment in a full time employment with the State of South Carolina of not more than 12 months duration for non-instructional personnel or the academic year duration for instructional personnel except for that at State technical colleges, or of not more than two (2) full academic years' duration for faculty at State technical colleges. An employee who receives an unsatisfactory performance evaluation during the probationary period must be terminated before becoming a covered employee.

Reassignment refers to an assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities.

Reprimanding Authority refers to an individual occupying a position who has been empowered to impose corrective action upon employees in accordance with the procedures outlined in these guidelines. Individuals temporarily filling these positions may administer corrective action commensurate with the position during their tenure. The following positions are designated as Reprimanding Authorities:

- Agency Director;
- Appropriate Director's Staff member or designee;
- Wardens or designee (i.e., the Warden may elect to designate the Associate Warden when imposing a written warning as indicated in Attachment 2-A) or;
- Associate Wardens (In official absence of the Warden); and
- Division Directors or designee (i.e., the Division Director may elect to designate the Assistant Division Director when imposing a written warning) or the Assistant Division Director in the official absence of the Division Director as indicated in Attachment 2-A.

Rules Infraction refers to one (1) or more of the violations listed in this directive, or any rule or regulation of the Agency, or the provisions of any proper order or orders. An infraction may consist of, but is not limited to, any of the following:

- Engaging in the specified behavior;
- Attempting to engage in the specified behavior;
- Conspiring to engage in the specified behavior; and/or
- Aiding others in conspiring to or attempting to engage, or actually engaging in the specified behavior.

Subsequent Violations refers to a process whereby violations are considered cumulative in nature and subsequent violations must result in additional corrective action being imposed. Subsequent violations will be considered in the following manner:

- Prior violations, regardless of the previous number of violations, that resulted in the employee receiving a "Written Warning" will be considered for at least two (2) years from the date the Reprimanding Authority imposed corrective action and may only be removed in accordance with section 4.1.
- Prior violations, regardless of the previous number of violations, which resulted in the employee receiving a "Reprimand other than a Written Warning" (e.g., suspension, probation, etc.) will be considered for three

(3) years from the date the Reprimanding Authority imposed corrective action;

- For repeated infractions, the employee should receive the recommended corrective action for a second, third, or fourth offense, depending on the circumstances.

Support(ive) Documentation refers to all written material submitted to and used by Reprimanding Authorities in arriving at their decision in the case.

Suspension refers to action taken to remove the employee from pay status. Periods of suspension for corrective action may be from 1 to 15 workdays depending upon the violation. To ensure uniformity throughout the SCDC and for all work schedules, each day of suspension will equal 8.0 hours for those employees working a 40 hour work week or 28 day cycle, and 7.5 hours for those employees working a 37.5 work week.

Use of Force refers to any physical contact with an inmate, or application of chemical agents, or mechanical physical restraints, or electronic stun devices to modify the inmate's behavior or anticipated behavior. The SCDC authorizes the minimum reasonable use of force to promote the safety and security of the inmate, other inmates, and staff members; as a precaution against escape; to prevent self injury or injury to others; and/or to prevent property damage. For the purposes of this policy/procedure, use of force does not include the use of restraints for the movement or transportation of inmates based on their custody level. Refer to SCDC Policy/Procedure OP-22.01, "Use of Force," for more information.

Violation Codes refers to numbers and descriptions used to define the rules violation and the method used to establish recommended corrective action for the violations listed.

Written Warning refers to a written document that outlines the rules infraction(s) committed by an employee and informs him/her of future corrective action if similar rules infractions occur.

SIGNATURE ON FILE

—

s/Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN THE DIVISION OF POLICY DEVELOPMENT.

ATTACHMENT 1-A

SANCTIONS/VIOLATIONS

(NOTE: Accumulation of any three (3) offenses of any type in a 90-day period where the first offense calls for a written warning may result in corrective action of a suspension up to termination on the third offense.)

Written Warning up to Termination

#	VIOLATION	1st OFFENSE	2nd OFFENSE	3rd OFFENSE	4th OFFENSE
---	-----------	-------------	-------------	-------------	-------------

010	Inappropriate Behavior - Conduct Unbecoming a SCDC Employee (may be related to poor judgment in the performance of duties or interaction with employees and/or managers)	Written Warning up to 5 day Suspension	Written Warning up to 10 day Suspension	1 to 10 day Suspension up to Termination	Termination
020	Unprofessional Conduct, Incompatible Activities, Malicious Profanity, Unethical Conduct, or Other Employee Behavior Having Potential or Actual Detriment to the Agency or State Operations or Their Image (conduct can occur on/off the job)	Written Warning up to Termination	1 to 10 day Suspension or up to Termination	Termination	030

Sleeping or Inattentiveness while on Duty (Failure to provide a quick response to circumstances while on duty)	Written Warning up to 10 day Suspension	10 to 15 day Suspension up to termination	Suspension up to Termination		040
Negligence in Carrying Out Job Responsibilities in a Security or Non-Security Setting	Written Warning up to Termination	1 to 10 day Suspension up to Termination	5 to 15 day Suspension up to Termination	Termination	050
Violation of Written Rules, Regulations, or Policies	Written Warning up to Termination	1 to 10 day Suspension up to Termination	Termination	060	Refusal to Carry Out Oral or Written Direction of Supervisor
Written Warning up to Termination	1 to 10 day Suspension up to Termination	Termination	070	Reporting for Work Late, Failure to Observe Assigned Work Hours or Changing Work Schedule without Authorization	Written Warning
Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination	080	Excessive Use and/or Abuse of Sick Leave	Written Warning

<p>Written Warning up to 5 day Suspension</p>	<p>5 to 10 day Suspension up to Termination</p>	<p>Termination</p>	<p>090</p>	<p>Unauthorized Absence From Work (Does not report for work; does not obtain approval for authorized leave; does not report for scheduled training; and will not be paid for day(s) of absence)</p>	<p>Written Warning</p>
<p>1 to 5 day Suspension</p>	<p>5 to 10 day Suspension up to Termination</p>	<p>Termination</p>	<p>100</p>	<p>Substandard Job Performance (This violation will not be used for progressive corrective actions. See SCDC Policy/Procedure ADM-11.06, "Employee Performance Management System," for additional information on the appropriate procedures for addressing substandard performance.)</p>	<p>Written Warning</p>

Written Warning	110	Gambling on State Property	Termination	120	Sexual Harassment (See SCDC Policy/Procedure ADM-11.32, Sexual Harassment, for additional information)
Written Warning up to Termination	1-10 day Suspension up to Termination	Termination	130	Gross Misconduct and Intentional Improper Behavior (occurs when conduct of employee evidences willful or wanton disregard of employer's interest as in deliberate violations; affiliation with or a member of a gang; or disregard of standards of behavior which employer has a right to expect; improper actions can occur on/off the job)	1-10 day Suspension up to Termination

Termination		140	Employee/Inmate Relations (See SCDC Policies/Procedures ADM-11.34, "Employee-Inmate Relations," for additional information)	1-10 day Suspension up to Termination	Termination
150	Staff Sexual Misconduct with Inmates (See ADM-11.39, "Staff Sexual Misconduct with Inmates," for additional information)	1-10 day Suspension up to Termination	160	Harassment of a non-sexual nature to an Employee or Inmate related to Gender, Race, Color, Religious Preference, National Origin, Age or Disability	Written Warning to 5 day Suspension

1 to 10 day Suspension up to Termination	Termination	170	Insubordination , Failure to be Cooperative With Supervisor. (Consideration should be given as to how insubordination was expressed, who witnessed the insubordination , e.g., inmates, and circumstances giving rise to the insubordination .)	Written Warning up to Termination	5 to 10 day Suspension up to Termination
Termination		180	Falsification of Official Documents	Written Warning up to Termination	1-10 day Suspension up to Termination
Termination	200	Leaving a Security Post Without Authorization	Written Warning up to Termination	Termination	210

Reporting to Work Under the Influence of Alcohol or the Consumption of Alcohol Immediately Prior to or During the Employee's Scheduled Regular Work Hours (EAP Referral Mandatory)	1 day Suspension up to Termination	5 day Suspension up to Termination	Termination	220	Introduction or Possession of Contraband; Drugs, Alcohol, cellular telephones , or Firearms/Weapons into a Prison Unit or onto State Property; or introduction of and/or possession of a cellular telephone into an institution. (Amended Change Memo #1 dated October 1, 2007.)
1-10 day Suspension up to Termination	Termination		230	Possession of Contraband/Unauthorized Items Other than Drugs, Alcohol, and/or Firearms	Written Warning up to 5 day Suspension
1 to 10 day Suspension up to Termination	Termination			240	Failure to Comply with Agency Training Requirements
Written Warning up to 5 day Suspension	1 to 10 day Suspension	5 to 15 day Suspension	Termination	250	Use of Unnecessary and/or Excessive Force

1 to 10 day Suspension up to Termination	10 to 15 day Suspension up to Termination	Termination		260	Making False Statements During the Course of an Official Investigation in a Work- Related Matter, Refusal to Cooperate with an Official Investigation, or Destroying Evidence
Written Warning up to Termination	Written Warning up to Termination	Termination			270
Positive Drug Test Results (Note: See SCDC Policy/ Procedure GA- 03.02, "Drugfree Workplace Program," for additional information.)	Termination			280	Failure to Submit to a Drug or Alcohol Test Termination
		290	Fighting	Written Warning up to Termination	Written Warning up to Termination

Termination	300	Failure to Turn in all Evidence Seized (consideration should be given to nature of evidence, e.g., cash or drugs would merit termination on first offense)	Written Warning to Termination	1 to 10 day Suspension up to Termination	Termination
310	Falsification of Employment Information, i.e., Employment Application, Medical History, Failure to Report an Arrest and/or Disposition or Restraining Order.	Written Warning up to Termination	Written Warning up to Termination	320	Threatening Another Employee or Inmate (Consideration should be given to the specificity of threat, or ability to carry out threat, or circumstances under which threat was made)
Written Warning up to Termination	1-10 day Suspension up to Termination	Termination	330	Stealing	Written Warning up to Termination
Written Warning up to Termination	Termination	340	Conviction of a Crime Requiring De-certification if in a Position that Necessitates Certification	Termination	

350	Unauthorized Solicitation, Sales, or Distribution of Written or Printed Material of Any Kind on State Property Without Written Permission	Written Warning	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination
360	Improper or Untidy Uniform or Failure to Follow Grooming Standards	Written Warning	Written Warning up to 5 day Suspension	1 to 10 day Suspension up to Termination	Termination
370	Excessive Use of Working Hours for Personal Matters	Written Warning	Written Warning up to 10 day Suspension	5 to 10 day Suspension up to Termination	Termination

380	<p>Unauthorized Use or Destruction of State Equipment or Property to include using Agency computer or software for non-agency related business or the use of Agency computer and software for non-authorized purposes, e.g., accessing information without a bona fide reason; unauthorized use of personal software on Agency computer.</p> <p>NOTE: Some inappropriate uses of Agency computers may be prosecutable, which is separate from and in addition to administrative responses to violation.</p>	Written Warning up to Termination	5 to 10 day Suspension up to Termination	Termination	390
-----	---	-----------------------------------	--	-------------	-----

ATTACHMENT 2-A

GUIDELINES FOR EMPLOYEE CORRECTIVE ACTION

TYPE OF ACTION	REPRIMANDING AUTHORITY	CONCURRENCE REQUIRED	REVIEW MEETING WITH EMPLOYEE REQUIRED	DOCUMENTATION REQUIRED	DOCUMENTATION RETENTION
Written Warning	Warden/Division Director, or any designated supervisor	Warden/Division Director	Yes	Corrective Action Form (SCDC 16-50)	Retain in personnel file; employee request removal after 2 yrs. with no further disc. actions
Administrative Suspension	Warden/Division Director, (or designee in the absence of)	Warden/Division Director, & Employee Relations	No	Letter to employee, copy to Employee Relations, and Human Resources, PA Form (SCDC 16-5)	Retain in personnel file until final action is taken or if an employee resigns while on administrative suspension
Disciplinary Suspension	Warden/Division Director, (or designee in the absence of)	Warden/Division Director and Employee Relations	Yes	Corrective Action Form (SCDC 16-50), PA Form (SCDC 16-5)	Permanent in personnel file

Transfer for Disciplinary Reasons	Warden/Division Director, (or designee in the absence of)	Warden/ Division Director, &Employee Relations	Yes	Corrective Action Form (SCDC 16-50), letter to employee with copy to Human Resources, Budget Unit Change Form, &PA Form (SCDC 16-5)	Permanent in personnel file
Demotion or Reassignment With or Without a Loss in Pay	Warden/Division Director, (or designee in the absence of)	Warden, Division Director, and Employee Relations	Yes	Corrective Action Form (SCDC 16-50), letter to employee with copy to Human Resources, PA Form (SCDC 16-5)	Permanent in personnel file
Disciplinary Probation	Warden/Division Director, (or designee in the absence of)	None	Yes	Corrective Action Form (SCDC 16-50)	Permanent in personnel file with corrective action form

Termination Permanent Status Employee	Warden/Division Director, (or designee in the absence of)	Warden/Division Director, Employee Relations, &Office of General Counsel	Yes	Corrective Action Form (SCDC 16- 50), and recommenda- tion to Employee Relations, and PA Form (SCDC 16-5) to Human Resources	Permanent in personnel file
Termination Probationary Employee	Warden/Division Director, (or designee in the absence of)	Warden/Division Director and Employee Relations	No	Corrective Action Form (SCDC 16- 50), and recommenda- tion to Employee Relations, and PA Form (SCDC 16-5) to Human Resources,	Permanent in personnel file
Resignation in lieu of Termination or Corrective Action (Resignation not accepted for refusal to submit to a drug test or positive drug test or sexual misconduct with an inmate)	N/A	Warden/Division Director, and Employee Relations	N/A	Notify Employee Relations Branch to prepare letter to employee accepting resignation in lieu of termination	Permanent in personnel file

Resignation While Under Investigation	N/A	Warden/Division Director, and Employee Relations	N/A	Notify Employee Relations Branch to prepare letter to employee accepting resignation in lieu of termination while under investigation	Permanent in personnel file
---------------------------------------	-----	--	-----	---	-----------------------------