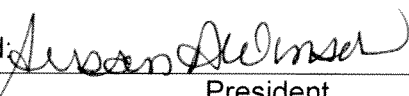
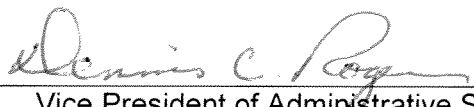


**AIKEN TECHNICAL COLLEGE
PROCEDURE**

Procedure Title:	EMPLOYEE DISCIPLINARY ACTION	Procedure Number:	3-1-102.1
Institutional Authority:	President		
Associated SBTCE Policy/Procedure:			
Governing ATC Policy:	3-1-102		

Approved:  President  Vice President of Administrative Services

Date Adopted: 07/01/2004
Date Revised: 02/11/2008

DISCLAIMER

PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY.

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
3. Written Warning
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 Resources Director to ensure consistent application of disciplinary measures for the same or similar offenses;

however, the Human Resources Director must consult with the supervisor before disciplinary actions are taken.

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

- a. Each problem is 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 Resources Director, 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. Multiple offenses, which when considered individually, may only require lesser disciplinary action; when combined, might require more severe disciplinary action.

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 themselves in accordance with the Rules of Conduct¹ 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 the employee 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 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.

¹ S.C. State Ethics Act, S.C. Code Ann. 8§8-13-700 et.seq: OHR Regulations, S.C. Code of Law

The written warning should be written by management in consultation with the Human Resources Director, 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 letter should be sent to the Human Resources Director 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.

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 Resources 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 work site are necessary, and have been given appropriate consideration.

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 another class having a lesser degree of responsibility and in a lower pay band, then demotion should be considered. This action should also be coordinated with the Human Resources Director.

7. DISCIPLINARY SUSPENSION WITHOUT PAY

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 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.

8. INVESTIGATORY SUSPENSION 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 determined by the College management.

Actions listed in this section are examples of misconduct which could result in dismissal for the first offense.

1. Absence from work three consecutive days without authority from or notification to own supervisor or the employee's superior. Note: Call-in to any other individual does not relieve the employee of the responsibility to assure notification of proper authority.
2. Gambling during working hours.
3. Working on personal jobs or any unofficial work other than that assigned.
4. Unauthorized acts endangering self or others.
5. Defacing or damaging ATC property or other person's property.
6. Restriction or work output or the intimidation of others in an attempt to restrict output.
7. Leaving work station without authority when such absence could cause serious safety or security hazard.
8. Reporting to work or being at work area under the influence of intoxicants or drugs.
9. Possession or use of intoxicants or illegal drugs on ATC property.
10. Threatening, intimidating, or coercing a fellow employee.
11. Engaging in unlawful work stoppage, slowdown, or strike.
12. Gross insubordination.
13. Immoral conduct on campus.
14. Three unexcused absences within a six month period.

10. RELATED POLICIES, PROCEDURES, OR REGULATIONS

Before taking disciplinary actions involving alcohol, drugs, or harassment of any type, management should ensure compliance with the following sources respectively: SC Code – Section 8-11-110 (Alcoholism), SBTCE procedures 8-7-105 (Employee Alcohol/Drug Use), and 8-5-101.1 (Anti-Harassment). Also, all competency and job performance related issues should be addressed through the following College procedures; SBTCE Procedures for performance reviews (EPMS 8-4-100.1) and (FPMS 8-4-101.1).

11. VOLUNTARY RESIGNATIONS

Employees who voluntarily fail to report to work for three consecutive workdays and fail to contact the College during this time period will be considered to have voluntarily resigned. Exceptions may be approved by the President.

12. FAIRNESS AND CONSISTENCY

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

Procedure Review		
Review Date	Reviewed By	Date Completed
07/01/2007		
02/11/2013		