



Human Resources Management Policy

Disciplinary Action

Policy 45

NOTE: THIS POLICY, LIKE ALL OTHER MUSC HUMAN RESOURCES POLICIES, IS NOT A CONTRACT OF EMPLOYMENT AND SHOULD NOT BE RELIED UPON AS SUCH. THIS POLICY MAY BE CHANGED AT ANY TIME BY THE MEDICAL UNIVERSITY OF SOUTH CAROLINA.

I. POLICY

- A. All employees of the Medical University are expected to conduct themselves in accordance with applicable laws, regulations, departmental policies and generally acceptable work behaviors. Employees in supervisory positions should set an example by their own conduct, attitude and work habits.
- B. Disciplinary measures are to be assessed for unacceptable conduct in a consistent and fair manner.
- C. While guidelines for disciplinary measures are provided, this policy is not intended to be all-inclusive.
- D. **Employee Relations Assistance**
 - 1. Supervisors/managers and employees are encouraged to consult the Human Resources Development and Performance Management Section of the Department of Human Resources Management for assistance with dispensing or resolving disciplinary matters. When appropriate, supervisors and employees may use the University's Mediation/Conflict Resolution Services to resolve workplace problems.
 - 2. Employees who wish to visit a member of the Human Resources Development and Performance Management staff for assistance shall make arrangements with their supervisor/manager and be given reasonable time away from their jobs for this purpose.

E. Disciplinary Actions

1. Disciplinary actions shall be considered as constructive procedures for the purpose of correcting inappropriate work behavior. Therefore, in most instances, disciplinary actions should consist of the least severe action to accomplish this purpose.
2. Disciplinary actions, consisting of oral and written reprimands, suspensions, demotions, reassignments and terminations, may be imposed on employees by their supervisors/managers in as direct proportion as possible to specific offenses.
3. Disciplinary actions will be administered on a uniform basis throughout the University. However, each offense must be judged on a case-by-case basis and consideration given to the employee's past record.
4. While disciplinary actions are being considered, a temporary suspension may be imposed for charges such as stealing, insubordination, sexual harassment, falsifying records, gross negligence of patients, reporting to work under the influence of drugs or intoxicants, consuming drugs or intoxicants while on duty (excluding prescribed medications), fighting, and criminal charges.
5. **All actions of suspension or termination shall require approval of the Director of Human Resources Management or a designee prior to the discipline being administered.** Departments with employees working on weekends and shifts other than 8:30 a.m. to 5:00 p.m. may use a temporary suspension (see I. E. 4. above) to remove an employee prior to the final decision of suspension or termination.
6. When appropriate, "progressive" discipline will be followed. This means an oral reprimand is followed by a written reprimand. The next step is a suspension, and finally termination. However, serious offenses may result in immediate suspension or termination for the first offense. Progressive discipline also means that after repeated offenses, regardless of whether the offenses are similar or not, the University has the right to terminate any employee who, by his/her total behavior, shows himself/herself to be irresponsible.
The progressive disciplinary process does not have to be applied to probationary employees. However, it is important for probationary employees to be counseled when infractions occur and be told in writing if their continued employment is in jeopardy.

II. INFORMATION AND PROCEDURES

. Oral Reprimand

1. An oral reprimand is usually sufficient for the first occurrence of a minor offense. The occurrence should be documented on the Disciplinary Report form (OTC No. 411218) and signed by the employee and supervisor. Should the employee refuse to sign the report, it will be noted on the form "employee refused to sign" and another supervisor or manager, in addition to the employee's immediate supervisor/manager, will sign as a witness. A copy of this form and supporting documentation should be given to the employee.
2. Oral reprimands cannot be grieved through the University Grievance Procedure.
3. For progressive disciplinary purposes, oral reprimands are effective for one year from the date signed by the employee or witness. Oral reprimands are retained by the department. They become part of the employee's permanent, official, personnel record **if** there are subsequent disciplinary actions.

A. Written Reprimand

1. An employee will receive a written reprimand as the second step in progressive discipline or for an offense warranting a written reprimand for the first occurrence. The incident must be documented on the Disciplinary Report form (OTC No. 411218) and signed by the employee and supervisor/manager and copies distributed as indicated on the form. Should the employee refuse to sign the report, it will be noted on the form "employee refused to sign" and another supervisor/manager, in addition to the employee's immediate supervisor/manager, will sign as a witness.
2. Written reprimands cannot be grieved through the University Grievance Procedure.
3. For progressive disciplinary purposes, written reprimands are effective for one year from the date signed by the employee or witness. Written reprimands are retained and become part of the employee's permanent, official, personnel record within the Department of Human Resources Management.

B. Suspensions

1. **The Department of Human Resources Management should be consulted prior to suspending an employee.**
2. An employee will receive a suspension as the third step in the progressive disciplinary process or for a serious offense requiring a suspension for the first infraction.

3. Suspensions are normally for three consecutive work days and are **without pay**.
4. The incident must be documented on the Disciplinary Report and signed by the employee and supervisor/manager and copies distributed as indicated on the form. Should the employee refuse to sign the report, it will be noted that "employee refused to sign" and another supervisor/manager, in addition to the employee's immediate supervisor/manager, will sign as a witness.
5. Suspensions are grievable through the University Grievance Procedure. Covered employees who have successfully completed a twelve (12) months probationary period and occupy part or all of an established full-time equivalent position may grieve. The employee must be informed in writing that he/she has 14 calendar days from the effective date of the suspension to file a grievance. Refer to Human Resources Management Policy No. 44, **Grievance Procedure**.
6. Suspensions remain in effect, for progressive discipline purposes, for two years from the date signed by the employee or witness. However, suspensions become part of the employee's permanent, official personnel record within the Department of Human Resources Management.
7. A suspension may exceed the normal recommended days when an employee has been arrested or is the focus of an administrative or criminal investigation and his/her continued presence at work is not in the best interest of the employee or the Medical 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 or the court, he/she may be entitled to reinstatement with back pay. The Medical University, however, may conduct its own investigation and take appropriate disciplinary action based upon the findings.
8. Suspensions (Leave Without Pay) should be noted on the punch detail reports (STAR), biweekly time cards or monthly time summaries.

C. Termination

1. **The Department of Human Resources Management should be consulted prior to terminating an employee.**

2. An employee can be terminated from employment as the final step in the progressive disciplinary process or as the result of a serious offense.
3. A termination may be grieved through the University Grievance Procedure. Covered employees who have successfully completed a twelve (12) months probationary period and occupy part or all of an established full-time equivalent position may grieve.
4. The termination letter **must** be addressed to the employee, dated, explain the reason for termination, include the effective date of the termination, cite other disciplinary actions that were taken to correct inappropriate behavior and explain to the employee his/her right to grieve within 14 calendar days of the effective date of the termination. The letter should be signed by the supervisor/manager and/or the department head and, whenever possible, the employee. When the employee is not available, a termination letter may be mailed to the employee by certified mail "return receipt requested."
5. An Employee Separation Notice form should be completed and forwarded, with a copy of the termination letter, to the Records Management Section of the Department of Human Resources Management. All wages due a terminated employee are payable within forty-eight hours of the time of separation or no later than the next regular payday, which may not exceed thirty days. Departments are responsible for providing final payout documents to the Payroll Department to ensure that all wages are paid in a timely manner.

D. Demotion or Reassignment

1. When termination is not in the best interest of the University, an employee may be demoted to a lower level position or reassigned to another position having the same state salary band/range.
2. A demotion in pay or pay band is grievable through the University Grievance Procedure provided that it occurs after a trial or probationary period has been completed. Refer to Human Resources Management Policy No. 16, **Employee Performance Management System**.
3. A reassignment may be grieved if it is to a University location in excess of thirty (30) miles from the original work assignment location.
4. A demotion or reassignment is grievable within 14 days of the effective date of the personnel action.

E. Proper Documentation

1. All disciplinary actions should be supported by appropriate documentation. This is especially true for actions affecting pay. Entries on punch detail reports, time cards, time summaries, Position/Employee Action Request (PEAR) Forms and other documents can be included.
2. Disciplinary Reports, termination letters and all attachments should be signed by the employee. Should the employee refuse to sign, the supervisor/manager should note on the document(s) "employee refused to sign." Another supervisor or manager should sign as a witness. The witness' signature verifies that the employee was given the opportunity to sign **and** received the document(s).
3. Supervisors/managers are strongly encouraged to include a brief statement on the Disciplinary Report informing the employee of the next "possible" disciplinary action should the employee continue to have disciplinary problems.

F. Abandonment of Position

1. Abandonment of position is defined as absence of three (3) consecutive work days without appropriately notifying the department.
2. Abandonment of position will be regarded as a voluntary resignation.
3. An employee who voluntarily resigns by abandonment of position will not be entitled to a grievance hearing.
4. The Director of Human Resources Management or a designee may investigate and review records to determine if an employee's actions and behavior indicated abandonment of position and voluntary resignation.

G. Criminal Charges and Convictions

1. An employee criminally charged for an act involving: moral turpitude; a felony or misdemeanor which adversely reflects on his/her suitability for continued employment or the well being of other employees, students or patients; or causes adverse publicity against the Medical University, may result in an immediate suspension pending the final disposition of the court. If found not guilty the employee may be eligible for reinstatement with back pay. The Medical University, however, may conduct its own investigation and take disciplinary action based upon the findings. (Refer to II. C. 7. for additional details.)

H. Departmental Policies

1. Some departments may need to establish specific policies or procedures to address special concerns. It is important that the Director of Human Resources Management be consulted prior to the implementation of such policies should their violation result in an employee receiving a disciplinary action.
2. Departmental policies must be in writing and disseminated to all employees and/or posted in the work area. An in-service training or orientation session may be necessary to ensure employees understand the policy. It is in the best interest of the department to keep attendance records of the in-service training and signed documentation that each employee received the information.

I. Reemployment of Terminated Employees

1. Medical Center employees terminated for violation of the Medical Center's Compliance Policy, are not eligible for rehire without the written approval of the Vice President for Clinical Operations and CEO of the Medical Center.
2. Persons terminated for stealing, harassment, patient abuse and other serious offenses, cannot be considered for rehire without the written approval of the Director of Human Resources Management.

J. For clarification and uniformity in administering proper discipline refer to the attached "Guidelines for Progressive Disciplinary Action."

Approved by:	Information Contact	Revised
Robert C. Gallager Vice President for Finance & Administration	Human Resources Development and Performance Management	March 1998 August 2004

GUIDELINES FOR PROGRESSIVE DISCIPLINARY ACTION

The following examples are to be used as a guide and are not intended to be all-inclusive. At the occurrence of any offense, the appropriate discipline shall be determined after the particular circumstances of the case have been carefully considered.

OFFENSE OR JOB DEFICIENCIES	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
Unauthorized leave	Written	Suspension	Termination	

	Reprimand			
Habitual tardiness or failure to observe assigned work hours	Oral Reprimand	Written Reprimand	Suspension	Termination
Abuse of sick leave (Refer to the HRM ADA Policy No. 24 and FMLA Policy No. 30)	Oral Reprimand	Written Reprimand	Suspension	Termination
Excessive absenteeism	Oral Reprimand	Written Reprimand	Suspension	Termination
Absence of three consecutive work days without notifying the proper departmental authority	Voluntary Resignation			
Leaving work station without authorization	Oral to Written Reprimand	Written reprimand to Suspension	Suspension to Termination	Termination
Substandard work performance	(Refer to the HRM Employee Performance Management System Policy No. 16)			
The failure of a designated employee to report to work during an emergency or hazardous weather condition	Suspension to Termination	Termination		
Reporting to work under the influence of alcohol or drugs	Suspension	Termination	(Refer to the HRM Alcohol and Drug Abuse Policy No. 47. Action must be in accordance with State Act on Alcoholism.)	
Drinking alcoholic beverages or using illegal drugs on the job	Termination	(Refer to the HRM Alcohol and Drug Abuse Policy No. 47. Action must be in accordance with State Act on Alcoholism.)		
Insubordination (the refusal to obey a direct order from a manager/supervisor)	Suspension	Termination		
Falsification of records or documents or omission of necessary information	Suspension to Termination	Termination		
Falsification of application or omission of essential information used in determining acceptability for employment	Termination			
Stealing (or aiding and abetting such actions of others)	Termination			
Negligence	Written Reprimand	Suspension to Termination	Termination	
Willful violation of written rules, regulations or policies	Written Reprimand	Suspension to Termination	Termination	
Negligence involving life or safety of patients or staff	Termination	(Refer to the HRM Patient Neglect and Abuse Policy No. 50)		

Failure to maintain satisfactory or harmonious working relationships with employees or supervisors	Oral Reprimand	Written Reprimand	Suspension	Termination
Discourteous treatment of visitors, customers and/or patients	Written Reprimand	Suspension	Termination	
Fighting (physical contact)	Suspension to Termination	Termination		
Violation of safety or security policies and practices (Refer to Occupational Safety and Health Policy No. 2)	Written Reprimand to Suspension	Suspension to Termination	Termination	
Failure to comply with DHEC regulations and MUSC policies regarding tuberculin skin testing (Refer to HRM Employee Health Policy No. 1)	Written Warning with 15 days to comply	Suspension - Must comply within 15 days or will be terminated		
Violation of smoke-free policy	Written Reprimand to Suspension	Suspension to Termination	Termination	
Knowingly stamping/writing on the timecard of another, "swiping" the STAR card of another, or incorrectly reporting time worked	Suspension to Termination	Termination		
Unauthorized use or release of confidential information from patient or employee records or reports	Suspension to Termination	Termination		
Intentional or unintentional alteration and manipulation of computer information; theft of data or hardware; physical damage; misuse of computer equipment; or release of confidential password	Written Reprimand to Termination	Suspension to Termination	Termination	
Unauthorized use of State equipment, property or University mail services	Written Reprimand to Termination	Suspension to Termination	Termination	
Destruction, misuse or defacing property or equipment	Written Reprimand to Termination	Suspension to Termination	Termination	
Unauthorized distribution of written or printed material of any kind	Written Reprimand	Suspension to Termination	Termination	
Unauthorized possession of firearms or weapons on the job	Termination	(Refer to HRM Weapons at Work Policy No. 25)		
Sleeping while on duty	Suspension	Termination		
Horseplay	Written Reprimand	Suspension	Termination	

Malicious use of profane or abusive language to others	Oral Reprimand	Written Reprimand	Suspension	Termination
Loafing	Oral Reprimand	Written Reprimand	Suspension	Termination
Interference with other employee's work	Oral Reprimand	Written Reprimand	Suspension	Termination
Gambling during work hours	Suspension to Termination	Termination		
Working on personal jobs during work hours	Oral to Written Reprimand	Written Reprimand to Suspension	Suspension	Termination
Excessive use of telephone for personal matters	Oral Reprimand	Written Reprimand	Suspension to Termination	Termination
Placing unauthorized long distance telephone calls	Suspension	Termination	(The employee will also be required to reimburse the department)	
Willful false statement to supervisor	Suspension to Termination	Termination		
Threatening or making threatening actions toward another employee	Suspension to Termination	Termination		
Engaging in unlawful work stoppages, slowdown, strikes or other activities that disrupt or disturb the normal operation of the Medical University or Department	Written Reprimand to Termination	Suspension to Termination	Termination	
Failure to maintain current license or certificate required by law as a condition for performing the job	Suspension to Termination	Termination		
Improper conduct or conduct unbecoming a State employee	Written Reprimand to Termination	Suspension to Termination	Termination	
Unauthorized use of State credit card	Suspension to Termination	Termination		
Sexual harassment (Refer to HRM Sexual Harassment Policy No. 46)	Written Reprimand to Termination	Suspension to Termination	Termination	
Charged with committing a crime that reflects on an individual's suitability for continued employment	Suspension to Termination	(With possible reinstatement if acquitted)		
Conviction of any crime that reflects on an employee's suitability for continued employment	Termination	(With possible reinstatement if acquitted)		

Impeding/interfering with an official investigation	Suspension to Termination	Termination		
Any accumulation of three offenses where the first calls for an oral or written reprimand within a twelve-month period	Suspension to Termination	Termination		
Any accumulation of two suspensions within a twenty-four month period	Termination			
Failure to comply with a written departmental policy	Oral Reprimand to Termination	(Refer to the department's specific policy)		
Excessive failure to punch timecard or "swipe" STAR card	Oral Reprimand	Written Reprimand	Suspension	Termination
Violation of the University parking regulations, i.e. parking in reserved or restricted areas, fraud, etc.	Written Reprimand to Suspension	Suspension to Termination	Termination	
Failure to comply with the Medical Center Compliance Policy and Codes of Conduct of the Medical University and its affiliates, i.e., Medical University Hospital Authority, UMA, Health Sciences Foundation and Foundation for Research Development	Oral Reprimand to Termination	(Refer to specific Compliance Policies and Codes of Conduct for additional information.)		