

Department of Correction
Personnel Manual

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Subject:

DISCIPLINARY POLICY AND PROCEDURES

SECTION 6

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PURPOSE

State government in North Carolina strives to provide the most effective services possible to meet the needs of a growing and dynamic society.

In keeping with State government's philosophy to provide State employees and managers with a fair, clear, and useful tool for correcting and improving performance problems, as well as to provide a process to guide management in handling instances of unacceptable personal conduct, the Department of Correction Disciplinary Policies and Procedures have been developed. Adherence to this policy and the procedures will assure compliance with current State Personnel Commission regulations and will further ensure that disciplinary actions are administered in a fair and equitable manner free from unlawful discrimination.

POLICY

Any employee, regardless of occupation, position, or profession may be warned, demoted, or dismissed by the appointing authority. The degree and type of action taken shall be based upon the sound and considered judgment of the appointing authority in accordance with the provisions of this policy. Therefore, in conjunction with the policies and procedures under the State Personnel Act, the departmental disciplinary procedures are outlined in the following pages.

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COVERED EMPLOYEES

This policy covers the following employees

1. All employees who have attained career status as that term is defined in law;
2. All employees with a permanent full-time or permanent part-time appointment who have completed a probationary period but who have not yet attained career status as that term is defined in law;
3. All employees with a trainee appointment who have attained career status as that term is defined in law;
4. All employees who have completed a trainee appointment but have not yet attained career status as that term is defined in law.

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While employees with a probationary appointment or new hire trainee appointment who have not attained career status are not entitled to appeal rights and are not subject to the successive disciplinary process for unacceptable work performance, the procedures governing the *issuance* of a disciplinary action as delineated in this policy shall be followed.

GENERAL PROVISIONS

The Department of Correction's Disciplinary Policy and Procedures should be carefully reviewed by all managers, supervisors, and employees. It contains an outline of the method for disciplining, demoting, and dismissing employees.

The Department of Correction Disciplinary Policy and Procedures and the Office of State Personnel Disciplinary Action, Suspension and Dismissal Policy shall be prominently displayed in their entirety an area easily accessible by all employees and shall also be made available to employees as requested. Changes to both policies shall be distributed as revisions to the policy. The copy of the documents displayed for employees shall be updated as revisions are distributed. Furthermore, the changes to the policies shall be announced at employee gatherings, *i.e., shift line-up, staff meetings, etc.* and shall be conveyed to new employees during orientation.

The State Personnel Act is explicit regarding disciplinary matters and department policy is based upon the requirements of the Act. It is crucial that full documentation in the employee's personnel file of all disciplinary measures be made and reflected consistently on the Performance Management Instruments. Disciplinary action is valid only when appropriate documentation exists to support the action. This not only provides a basis for making decisions, but prevents the dismissal of an employee unless a detailed account of the employee's actions and the measures taken by supervisory authorities to assist in correcting the deficiency is provided.

An employee subject to disciplinary action shall be informed of disciplinary entries in his/her record by receipt of a copy of every disciplinary letter/memorandum as documentation.

There may be times when disciplinary discussions cannot take place in the work unit and in person. At these times, special attention is needed to insure the employee receives notice of the action. In issuing an employee written documentation of any disciplinary action, (*including dismissal*), it is essential that the document be sent either by certified mail, return receipt requested or by delivery to the employee in person to assure confirmation of receipt and date received.

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If delivered in person, the employee shall be asked to sign and date a copy of the disciplinary action indicating that he/she has received the letter. The employee should be advised that the signing of this document is not an admission of guilt or alleged participation in an action, but rather it is a method of assuring that the employee is fully aware of actions being taken.

Further, the signing and dating of the document shall serve as the reference for determining the timeliness of an appeal. If the employee chooses not to sign the document, the manager/supervisor should note this fact and have a witness sign and date the document to that effect.

In administering this policy, supervisors should be aware that, in part, the intent of this policy is to assist and promote improved employee performance and conduct, rather than to punish. To this end, supervisors may have frank discussions with individual employees regarding various areas of unacceptable job performance and/or unacceptable personal conduct. These discussions are not considered a part of the formal disciplinary process but should be documented as coaching sessions giving the date, time, specific recommendations for improvement and supervisory support/follow-up. These documents should be maintained at the work unit level. There is no mandatory period of time that such documentation should be maintained; however, the value of coaching sessions is greatly diminished as the employee's performance or conduct improves. If performance evaluations in the particular key responsibility/results or the particular dimension are at the "Good" level or better, if performance pay or promotions are given after the coaching session, then the coaching session no longer has value. However, if the employee's performance or conduct does not improve, the coaching session(s) document that management made a sincere, good faith effort to assist the employee with improvement and extend a career, but was unsuccessful.

All disciplinary action issued which relates to a key responsibility/result or a dimension on the employee's work standard shall also be documented by the supervisor on the Employee Action Plan in accordance with the Department's Performance Management Policy and Procedures.

Prior to issuing any discipline, the manager/supervisor should include the employee in the investigative process. The manager/supervisor should meet with the employee to discuss the issue(s) under investigation for purposes of gathering information and allow the employee the opportunity to present his/her statement relative to the issue(s) under investigation. Discussing the situation/issue(s) at the same point in time that the discipline is actually issued does not satisfy this recommendation.

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In those cases where a manager is recommending an action requiring approval through the chain-of-command, *i.e.*, *Region Director, Judicial Division Chief, Assistant Judicial Division Chief, Assistant Director, etc.*, such a recommendation may be approved, disapproved, or amended by a manager within the chain-of-command to maintain consistency within the division and agency.

CATEGORIES OF DISCIPLINE

The causes for disciplinary action fall into two categories:

1. Discipline imposed based on **unsatisfactory or grossly inefficient job performance**.
2. Discipline imposed based on **unacceptable personal conduct**.

Unsatisfactory job performance refers to work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work standard, or as directed by the supervisor(s) or manager(s) of the work unit.

Grossly inefficient job performance refers to unsatisfactory job performance that occurs in instances in which the employee: fails to satisfactorily perform job requirements as specified in the relevant job description, work standard, or as directed by the supervisor(s) or manager(s) of the work unit; and that failure results in:

1. the creation of the potential for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) over whom the employee has responsibility; or
2. the loss of or damage to state property or funds that result in a serious impact on the State and/or work unit.

Unacceptable personal conduct includes:

1. conduct for which no reasonable person should expect to receive prior warning; or
2. job-related conduct that constitutes a violation of state or federal laws; or
3. conviction of a felony or an offense involving moral turpitude that is determined to or impacts the employee's service to the State; or

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4. the willful violation of known or written work rules; or
5. conduct unbecoming a state employee that is detrimental to state service; or
6. the abuse of client(s), patient(s), student(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility or an animal owned by the State; or
7. falsification of a state application or any other employment document.

Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct is cause for discipline. The categories are not mutually exclusive, however, as certain actions by employees may fall into both categories depending upon the facts of each case. Therefore, no disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

TYPES OF DISCIPLINARY ACTIONS

1. Written Warning
2. Demotion
3. Dismissal

JOB PERFORMANCE DISCIPLINE AND DISMISSAL

This category covers all types of performance-related inadequacies. Any work related performance problem may be cause to discipline an employee for unsatisfactory job performance. Disciplinary actions administered under this policy are intended to bring about a permanent improvement in job performance; should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance with further disciplinary action.

When a supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, the employee shall first receive a written warning. It is not required that successive disciplinary actions all concern the same type of unsatisfactory performance. Additionally, disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of unsatisfactory job performance.

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In order for an employee to be **demoted** for a current incident of unsatisfactory job performance, the employee shall:

- a current unresolved incident of unsatisfactory job performance and
- at least one (1) prior active written warning or other disciplinary action for unsatisfactory job performance, or gross inefficiency, or unacceptable personal conduct.

Example: *An employee was issued a written warning for unsatisfactory job performance on December 1, 1995. The employee's performance continues to deteriorate and effective May 1, 1996, the employee is demoted for unsatisfactory job performance.*

Example: *An employee was issued a written warning for unacceptable personal conduct on January 15, 1996. The employee's performance begins to deteriorate in April 1996. As a result of the unsatisfactory job performance and since the employee has an active written warning, the employee is demoted for unsatisfactory job performance effective May 1, 1996.*

In order for an employee to be **dismissed** for a current incident of unsatisfactory job performance the employee shall have:

- a current unresolved incident of unsatisfactory job performance and
- at least two (2) prior active written warnings or other disciplinary actions for unsatisfactory job performance, or gross inefficiency, or unacceptable personal conduct.

Example: *An employee was issued a written warning for unsatisfactory job performance on November 15, 1995. The employee's performance continues to deteriorate and on May 1, 1996, he is issued a second written warning for unsatisfactory job performance. In September 1996, the employee receives his annual performance evaluation and is rated Below Good in the key responsibility/results related to the issue for which he was disciplined and also receives an overall evaluation of Below Good. In October 1996 this employee has a third incident of unsatisfactory job performance. Because both previous written warnings remain active, the employee is recommended for dismissal for unsatisfactory job performance.*

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Example: *An employee was demoted for unacceptable personal conduct effective December 1, 1995. The employee is issued a written warning for unsatisfactory job performance on April 15, 1996. In November 1996, the employee's performance evaluation is completed and the employee receives a Below Good in the key responsibility/result related to the issue for which he was disciplined and an overall evaluation of Below Good. The employee's job performance continues to deteriorate and in March 1997 the employee has a second incident of unsatisfactory job performance. Because the employee has two (2) prior active disciplinary actions - demotion and a written warning - the employee is recommended for dismissal for unsatisfactory job performance.*

GROSSLY INEFFICIENT JOB PERFORMANCE DISCIPLINE AND DISMISSAL

Employees may be disciplined up to and including dismissal for a current unresolved incident of grossly inefficient job performance without any prior disciplinary action.

Failure to obtain or maintain legally required certificates, licenses, bonds, or other credentials required of the employee's position shall be treated like grossly inefficient job performance. Thus, an employee may receive a written warning or any other disciplinary action up to and including dismissal.

PERSONAL CONDUCT DISCIPLINE AND DISMISSAL

Employees may be disciplined up to and including dismissal for a current incident of unacceptable personal conduct without any prior disciplinary action.

PROCEDURES FOR ISSUING DISCIPLINARY ACTIONS

NOTE: *A copy of the Department of Correction Grievance Policy and Procedures shall be furnished to the employee as an attachment to the written documentation of a grievable disciplinary action as identified in the section entitled "ARight to Appeal" in this policy.*

Written Warning

When the supervisor determines that the current unresolved incident warrants a written warning, the procedures beginning on the following page shall apply.

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In a private meeting with the employee, held after the completion of the investigation that should have included discussions with the employee being disciplined, the supervisor shall:

1. Inform the employee that this is a Written Warning conference and not a non-disciplinary process such as coaching.
2. Inform the employee of the specific job performance or personal conduct deficiencies that are the basis for the written warning and allow the employee to respond to the points covered. Previous disciplinary actions issued to the employee that remain active and coaching sessions conducted with the employee should be mentioned during the discussion.
3. Inform the employee what specific improvement must be made to correct the unsatisfactory job performance or unacceptable personal conduct.
4. Inform the employee of the timeframe being allowed to make the required improvements.

NOTE: *Unless otherwise specified by the supervisor in the written warning letter, sixty (60) days shall be the time frame allowed for unsatisfactory job performance. Immediate correction shall be the required time frame for grossly inefficient job performance or unacceptable personal conduct.*

Although the employee may improve within the designated time frame, this in no way means that the written warning has been resolved.

5. Inform the employee of the consequences of failing to make the required improvements. Specifically, failure to improve the job performance including grossly inefficient job performance, or failure to correct the unacceptable personal conduct may result in additional disciplinary action up to and including dismissal.
6. Give the employee the Written Warning covering the significant points (#1 - #5). Care should be taken to emphasize the written warning and the consequences of failure to improve. The letter shall indicate the employee's appeal rights, if applicable. The employee shall be requested to sign and date the Written Warning indicating receipt. If the employee refuses to sign and date the statement, the supervisor shall make note of such on the letter and have a witness to the refusal sign and date the letter to that effect.

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7. If the Written Warning was not prepared in advance, the supervisor shall prepare the Written Warning covering the significant points (#1 - #5) of the disciplinary conference. As stated above, care should be taken to emphasize the warning and consequences of failure to improve. The letter shall indicate the employee's appeal rights, if applicable. The employee shall be requested to sign and date the Written Warning with Letter indicating receipt. If the employee refuses to sign and date the statement, the supervisor shall make note of such on the letter and have a witness to the refusal sign and date the letter to that effect.
8. A copy of the letter shall be forwarded to the Personnel Office for inclusion in the employee's Personnel File.

Demotion

Any employee may be demoted as a disciplinary measure. Demotions may be made on the basis of unsatisfactory job performance, grossly inefficient job performance, or unacceptable personal conduct. The procedures for demotion are the same as step two through nine of the Dismissal procedures in this section, except that demotion is the action. A Pre-Disciplinary Conference is required prior to a final decision regarding demotion. Refer to the Pre-Disciplinary Conference procedures.

1. **Job Performance:** An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.
2. **Grossly Inefficient Job Performance:** An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.
3. **Personal Conduct:** An employee may be demoted for unacceptable personal conduct without prior warning. Cause or reason for demotion on the basis of personal conduct does not have to be as serious as cause or reason for dismissal.

An employee who is demoted shall receive written notice of the specific reasons for the demotion, as well as notice of his/her appeal rights. The written notice shall be developed in the same manner as the dismissal letter. The employee shall be requested to sign and date a copy of the written notice of demotion. A copy of the written notice with employee's signature shall be submitted with the personnel action form (DC154) to the Personnel Office for the permanent file.

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Disciplinary demotions may be accomplished as follows:

1. The employee may be demoted to a lower pay grade with or without a reduction in salary rate as long as the new salary rate does not exceed the maximum of the salary schedule for the new lower pay grade; or,
2. The employee may be demoted while retaining the same pay grade with a reduction in salary rate. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade or the special entry rate, if in effect. For example, a correctional sergeant and a correctional officer are both involved in the same incident, *i.e., unacceptable conduct of a sexual nature*. The correctional sergeant is demoted with a ten (10%) percent decrease in pay. Instead of issuing the correctional officer a written warning, he/she could be demoted in place with a ten (10%) percent decrease in pay.

Dismissal

Before an employee may be dismissed, the following shall occur:

1. The manager conducts a preliminary investigation to determine the need for administrative assignment or placement on investigation status (*See Investigatory Placement procedures*).
2. The situation is fully and completely investigated. Written statements and documentation are gathered which support the allegations and proposed action. The investigation shall include obtaining written statements from and discussions with the employee who is the focal point of the investigation.
3. A written summary of the case is prepared by the supervisor proposing dismissal as the intended recommendation, detailing the issue(s)/incident(s) requiring dismissal and the employee's disciplinary history.

NOTE: *If it is determined that dismissal is not appropriate, steps should immediately be taken to reinstate the employee if he/she has been placed on investigation status.*

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4. Advise the employee in writing that a Pre-Dismissal Conference has been scheduled, including the time, date, and location of the conference. Reasonable advance notice shall be given. *(See Pre-Disciplinary Conference in this section)*. Send the written notice by certified mail return receipt requested or deliver in person with signature acknowledgment of receipt.
5. Prepare the "Recommendation to Dismiss" letter specifying the issue(s)/reason(s) supporting the proposed action. *Please see the example letters in Appendix C.*
6. Conduct the Pre-Dismissal Conference. At the beginning of the conference give the "Recommendation to Dismiss" letter to the employee. Discuss the proposed action and the issue(s)/reason(s) supporting the proposed action with the employee and ask the employee if he/she has any response to the issue(s)/reason(s) stated in the letter. Document the employee's response either in writing or by audiotape.

***NOTE:** Attendance at the Pre-Dismissal Conference shall be limited to the manager or designee conducting the conference, the employee, and another person chosen by management for security reasons.*
7. At the conclusion of the Pre-Dismissal Conference, the employee shall be asked to sign the Pre-Dismissal Conference Form acknowledging the conference was conducted and that the employee was given the opportunity to respond to the issue(s)/reason(s) supporting the proposed action. If the employee refuses to sign, the manager and security person shall sign the form as witnesses to the refusal of the employee to sign the document.
8. After the Pre-Dismissal Conference, all information obtained during the Pre-Dismissal Conference shall be considered. If dismissal remains the proposed recommendation, a DRAFT dismissal letter shall be developed. The specific reasons for the action, the rule and/or policy violation, and the disciplinary history shall be included in the dismissal letter. It shall also be stated in the DRAFT Dismissal letter that a Pre-Dismissal Conference was conducted and the information, if any, provided by the employee was given full consideration in the final decision to dismiss. If it is determined that dismissal is not appropriate, take immediate steps to reinstate the employee if on investigation status.

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9. The dismissal package shall be submitted through the chain of command. The dismissal package shall include the following:
 - a. All information relevant to the case, *i.e., court documents, witness statements, employee time reports (DC-113), investigative reports, performance evaluations, etc.*;
 - b. Placement on Investigation letter and Personnel Office approval memorandum, if the employee was placed on investigation;
 - c. Pre-Dismissal Conference advance notification letter to employee along with a copy of the signed and dated U.S. Postal Service return receipt;
 - d. "Recommendation to Dismiss" letter;
 - e. Pre-Dismissal Conference acknowledgment form;
 - f. Draft Dismissal letter;
 - g. Summary of the case and the basis for the recommended action.
10. When a final decision is made, management will be advised accordingly.

NOTE: In the event a new allegation surfaces after the Pre-Dismissal Conference is conducted, then a second Pre-Dismissal Conference shall be required so that any evidence the employee may submit will be considered in making the final decision.
11. The letter of dismissal shall either be sent to the employee by certified mail return receipt requested to assure receipt and date received or shall be delivered to the employee in person. If delivered in person, the employee shall be requested to sign and date a copy of the letter of dismissal.
12. A copy of the official dismissal letter shall be forwarded to the Personnel Office along with the Separation package, *i.e., personnel action form (DC-154S), employee time reports, etc.*

NOTE: Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-dismissal conference constitute procedural violations and may require back pay and attorney's fees to be paid to the employee. Time limits for filing an appeal do not start until the employee receives written notice of any applicable appeal rights.
13. The effective date of dismissal shall be date of the written notice to the employee.

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TERMINATION OF PROBATIONARY APPOINTMENT OR TERMINATION OF TRAINEE APPOINTMENT WHEN THE EMPLOYEE DOES NOT HAVE CAREER STATUS AS THAT TERM IS DEFINED IN LAW

Newly hired individuals with a probationary appointment must serve a probationary period beginning on the date of appointment to the job. The probationary period is viewed as an extension of the selection process. An employee may be terminated from probationary status at any time prior to being granted a permanent appointment for unacceptable job performance, grossly inefficient job performance, or unacceptable personal conduct. If performance is in question, the successive warnings are not required, however, supporting documentation indicating performance deficiencies and written communication, *i.e., one (1) or more coaching sessions, or a written warning*, shall be present.

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Other individuals may be employed with a trainee appointment. The trainee period, like the probationary period, is viewed as an extension of the selection process. Employees with a trainee appointment who have not attained career status as that term is defined in law may be terminated from the trainee appointment for unacceptable job performance, grossly inefficient job performance, or unacceptable personal conduct. If performance is in question, the successive warnings are not required, however, supporting documentation indicating performance deficiencies and written communication, *i.e., one (1) or more coaching sessions, written warning*, shall be present.

The type of documentation for terminating an employee with a probationary appointment or an employee with a trainee appointment that does not have career status as that term is defined in law is the same as for dismissing an employee with a permanent appointment, likewise, the procedures for termination of probationary appointment are the same as the steps for Dismissal procedures in this section. An employee terminated from probationary appointment has no appeal rights unless the employee feels the actions are discriminatory.

PLACEMENT ON INVESTIGATION

An employee may be placed on investigation status with approval from the Personnel Director or designee(s) in appropriate circumstances. Investigation status shall be with pay and may be used to temporarily remove an employee from work status. Placement on investigation status with pay does not constitute a disciplinary action, and therefore, may not be appealed at the agency level nor to the State Personnel Commission. Investigation status may be appropriate in the following circumstances:

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1. To investigate allegations of performance or conduct deficiencies that, if proven, shall be grounds for dismissal;
2. To provide time within which to schedule and conduct a pre-disciplinary conference; or
3. To avoid disruption of the work place and/or to protect the safety of persons or property.

Under no circumstance is it permissible to use placement on investigation status for delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

The following provisions shall control the use of placement on investigation status:

1. **Employees may be placed on investigation status only after consultation with and approval by the Personnel Director or designee(s).** Placement of an employee on investigation status without prior approval of the Personnel Director or designee(s) may be made only in extreme emergency cases, after normal working hours or weekends. If such a placement occurs, the manager shall notify the Personnel Director or designee(s) on the morning of the next working day. In emergencies, a 7K employee's schedule may be rearranged to allow for scheduled days off (*i.e.*, "E" days) while waiting on authorization from the Personnel Director or designee.
2. An employee who has been placed on investigation shall be furnished a letter setting forth the allegations or specific acts or omissions that are the reasons for the investigatory placement. The letter shall also state that the action is not a disciplinary action under this policy and therefore, does not carry any right of appeal. The letter shall be delivered to the employee no later than the second (2nd) workday after the beginning of the placement. A copy of the letter shall be maintained at the work unit with the Employee Time Report.
3. The investigation status shall last no longer than thirty (30) calendar days without written approval for an extension from the Secretary and the State Personnel Director. When an extension beyond the thirty (30) day period is required, the Personnel Director or designee may request approval from the Secretary and the State Personnel Director to authorize an extension. If approved, the employee shall be informed in writing of the extension on or before the expiration of the investigation status. One (1) copy of the employee's extension letter shall be sent to the State Personnel Director, one (1) copy shall be included with the disciplinary package recommending dismissal, and one (1) copy shall be attached to the employee's time report (DC113).

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If no action has been taken by management by the end of thirty (30) calendar days, and no extension has been approved by the Secretary of Correction and the State Personnel Director, one of the following must occur:

- 1) reinstatement of the employee to work status, or
- 2) dismissal.

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4. Investigation status shall be recorded as Other Management Approved leave in SAP/BEACON using attendance/absence code 9540. Only the hours intersecting the employee's regular work schedule shall be accounted for using Other Management Approved leave. If the event occurs outside of the employee's regular work schedule, no leave is allowed or entered. This leave is added into totals such that a pay enhancement may be created (straight time) if the employee exceeds their standard hours for the overtime period. Additionally, this leave is not part of the leave hierarchy and is not subject to leave offsetting. Finally, when this leave is used, an explanation/comment shall be included on the employee time report (DC-113W) if applicable and when recording electronically in the BEACON/SAP time management system by either the Time Administrator or the employee via ESS/MSS. If the employee has an alternate work schedule prior to placement, i.e., shift, custody, health care, etc., the employee's schedule may be changed to a traditional work schedule, i.e., Monday through Friday.

ADMINISTRATIVE ASSIGNMENT

In lieu of placement on investigation a manager may consider administratively assigning an employee within the work unit or to another work unit if possible. Employees administratively assigned shall be given written notification of the administrative assignment when the assignment results in a change of work locations or if there are any specific instructions such as no inmate/client supervision or contact. Such actions are for the benefit of the employee(s) and the agency to ensure a fair and objective investigation. For that reason, administrative assignments are not grievable and do not carry appeal rights.

PRE-DISCIPLINARY CONFERENCE

A Pre-Disciplinary Conference shall be conducted prior to the following actions:

- A. Dismissal, or
- B. Disciplinary demotion (*does not include reassignments*).

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***NOTE:** When a pre-disciplinary conference is conducted for a proposed dismissal, but after the conference management decides to demote the employee, it is not required that an additional pre-disciplinary conference be conducted as long as the employee was notified and had the opportunity to be heard with respect to the issues supporting the proposed action.*

The purpose of the Pre-Disciplinary Conference is to review the proposed action to be recommended through the chain of command with the employee and to provide the employee with an opportunity to respond to the specific reasons justifying such action. Further, by listening to and considering information put forth by the employee, the manager/supervisor insures that the proposed action to be recommended is not based on mistaken or erroneous information and conclusions.

During the investigation, it is recommended and encouraged that managers and supervisors include the employee and question them any time regarding any issue or allegation. If, after completion of the investigation, it is determined that either dismissal or demotion will be the proposed action, then a Pre-Disciplinary Conference shall be required. By this point, the investigation should be complete, all supporting documentation in place, and generally, all allegations investigated and accepted as fact or dispelled as hearsay or otherwise unreliable or unsubstantiated.

The following procedures are required for Pre-Disciplinary Conferences:

1. The supervisor or manager shall schedule the Pre-Disciplinary Conference and notify the employee. Reasonable advance notice of the time, date, location, and subject matter of the Pre-disciplinary Conference shall be given to the employee. The employee shall be advised in the written notice of the proposed action, either dismissal or demotion, the specific issues to be addressed at the conference and shall be further advised that he/she should be prepared to discuss these specific issues during the conference. The written notice shall be sent by certified mail return receipt requested or delivered in person with signature acknowledgment of receipt. Please see the letters of example in Appendix C.
2. The supervisor or manager shall conduct the Pre-Disciplinary Conference. Attendance shall be limited to the employee, the person conducting the conference, and a second person chosen by management for security reasons. Under no circumstances shall attorneys for either side or any other employee representatives be permitted to attend the conference. The employee's response shall be documented either in writing or by audiotape.

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3. At the beginning of the conference, the supervisor or manager shall specifically inform the employee that this is a Pre-Dismissal/Demotion Conference, whichever is applicable, and give the employee the "Recommendation to Dismiss/Demote" letter. The "Recommendation to Dismiss/Demote" letter shall advise the employee that, based on the results of the investigation, it is management's intention to recommend dismissal/demotion through the chain of command and list the specific issues supporting the proposed action. Finally, the supervisor shall clearly convey to the employee that "this is his/her opportunity to tell his/her side of the story and respond to the proposed action, refute information supporting the proposed action and to offer information or arguments in support of his/her position." There are no appeal rights at this point in the process. This is a recommendation of a proposed action and in no way represents a final decision carrying a right of appeal.
4. The employee shall be given the opportunity to respond to the proposed action and to present any further information for the supervisor's or manager's consideration. The employee shall be instructed that all response(s) or statements, if any, will be given full consideration and discussed with the appropriate managers prior to a final decision. The employee shall be asked to sign and date the "Recommendation to Dismiss/Demote" letter acknowledging receipt of the letter. If the employee refuses to sign the letter, then the security representative in attendance at the conference shall witness the refusal.
5. At the conclusion of the conference, a "Pre-Disciplinary Conference" form shall be completed and signed by the employee and the supervisor or the person conducting the conference. Should the employee refuse to sign the form, then the security representative in attendance at the conference shall witness the refusal.
6. Following the conference, the supervisor or manager shall review and consider the employee's response(s) and statements and reach a decision on the proposed action. The supervisor or manager may wish, at this time, to confer with other appropriate managers (*i.e., Judicial Division Chief, Region Director, Division Director, Human Resource Director, etc.*). If after such review and consideration, the decision is made to follow through with the action, then the required documents shall be submitted through the chain-of-command for review and approval to the Personnel Director. Please note that it is of primary importance that the supervisor and manager make a sincere, good faith effort to listen to and consider information put forth by the employee during the conference in making the decision whether to proceed with the proposed action.

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7. If, during the review/approval process, additional issues are identified to which the employee has not been given the opportunity to respond, then a second Pre-Disciplinary Conference shall be required. Ultimately, the purpose of the Pre-Disciplinary Conference is to provide the employee an opportunity to respond to any and all reasons supporting the proposed action regardless of the number of conferences necessary to fulfill this obligation. However, it is again stressed that the employee should be contacted during the investigation whenever additional issues are identified which need to be addressed. Including, and questioning, the employee as issues occur should assist in preventing surprises at the Pre-Disciplinary Conference and the need for more than one conference.
8. After the recommended action has been reviewed and approved by all authorities (*i.e.*, *Division Director, Personnel Director, etc.*), the employee shall be notified, in writing, of the final action. The final decision, *i.e.*, *dismissal/demotion letter*, shall not be communicated to the employee prior to the beginning of the next business day following the conclusion of the Pre-Dismissal/ Demotion Conference.

See Dismissal or Demotion sections for procedures for letters to employee.

SPECIAL PROVISIONS

Credentials

By statute, regulation, and administrative rule, some duties assigned to positions in the state service (*i.e.*, *R.N., Surveillance Officer, Teacher, Correctional Officers*) may be performed only by persons who are duly licensed, registered or certified as required by the relevant law or policy. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for such classifications established by the State Personnel Commission or by the applicable professional licensing or Certification Board of Commission.

An employee in such a classification is responsible for obtaining and maintaining current, valid credentials as required by law, rule, or regulation. Failure to obtain and maintain the legally required credentials is a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance. An employee who is dismissed shall be under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance, inclusive of a written statement of the reason for the action and appeal rights if a non-probationary employee.

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Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with a state agency, disciplinary action shall be administered as follows:

1. If an employee was determined to be qualified and was selected for a position based on falsified work experience, education, registration, licensure or certification information that was a requirement of the position, the employee must be dismissed in accordance with the Grossly Inefficient Job Performance/Unacceptable Personal Conduct provisions.
2. In all other cases where discovery of the false or misleading information occurs after the individual has been employed, disciplinary action shall be taken, but the severity of the disciplinary action shall be at the discretion of the discretion of the Assistant Secretary, Division Director or his/her designee.
3. When credential or work history falsification is discovered before employment, the applicant shall be disqualified from consideration for the position in question.

**

Conditions of Continued Employment

The following applies to offenses occurring in North Carolina and any other jurisdiction, foreign or domestic, whether federal, state, territory, commonwealth or other governmental entity, e.g., State of Virginia, South Carolina, Canada, Mexico, Puerto Rico, etc.

Criminal Offenses - All employees of the Department of Correction, including those employees in other pay status, *i.e., exhausting vacation leave, sick leave, military leave, etc.*, or on leave without pay, are required to report within 24 hours to his/her supervisor any criminal offense for which they receive formal notice as defined below.

Motor Vehicle Offenses - All employees of the Department of Correction, including those employees in other pay status, *i.e., exhausting vacation leave, sick leave, military leave, etc.*, or on leave without pay, are required to report within 24 hours to his/her supervisor:

any motor vehicle offense which could result in immediate suspension or revocation of the employee's driver's license

or

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if convicted of the charged offense, either individually or in combination with previous or other violations, the employee's driver's license could be suspended or revoked. Note the following examples of violations that must be reported:

Driving While Impaired (DWI)
Driving Under the Influence (DUI)
Speeding over 55 mph and over 15 mph

This list is not all-inclusive. When in doubt, an employee should seek clarification from his/her supervisor.

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Finally, any violation that is a felony or that is on the list of misdemeanors as defined in 12NCAC 09G.0102(10) is not a minor violation and shall be reported.

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Formal notice includes, but is not limited to:

- | | | |
|---------------------|---------------------------------|-------------------------|
| 1. arrest, | 5. civil summons, | 9. Bill of information, |
| 2. detention, | 6. Permanent restraining order, | 10. Notice from DMV, |
| 3. citation, | 7. Warrant for arrest, | 11. Order to Show Cause |
| 4. criminal summons | 8. Order for arrest, | |

This is not an all-inclusive list. When employees have questions about the application of this policy, they have a duty to seek clarification from the Warden, Superintendent, Judicial District Manager, or work unit supervisor/manager.

Once an employee is charged, he/she shall inform the Warden, Superintendent, Assistant Judicial Division Chief or work unit supervisor/manager of the situation immediately upon returning to work or within 24 hours, whichever is sooner. The employee may inform the manager, as listed above, verbally or in writing. If verbal notice is given, the manager will require a written statement of fact by the employee. The important point, however, is that the employee inform the appropriate supervisor of the situation within the established time frame. Failure to report within the required time frame is unacceptable personal conduct and shall result in no less than a written warning for the first offense of this type. If the employee has previously received disciplinary action for personal conduct issues, this may be a consideration in determining the level of disciplinary action.

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An independent investigation of the allegations/circumstances surrounding the arrest, detainment, citation, warrant, etc. shall then be conducted to determine the appropriate personnel action, if any, to be recommended. The recommendation along with supporting documentation shall be forwarded to the authorized manager for approval.

In cases where information obtained is inconclusive, management may request, in writing, that a recommendation for personnel action be delayed pending the court disposition. This request may be approved or disapproved by the Division Director or the appropriate Assistant Secretary after consultation with the Personnel Director.

In either case, once the employee has gone to court, the employee shall submit a certified copy of the judgment to the Warden, Superintendent, Assistant Judicial Division Chief or work unit manager/supervisor within 48 hours of the disposition.

In a situation when disciplinary action has previously been issued, the document shall be forwarded through the chain of command for inclusion in the permanent record. Additional action (*i.e., revocation of criminal justice certification, dismissal, etc.*) may also be requested/recommended by the appropriate manager(s).

If disciplinary action has not previously been taken but the court evidence and judgment provide sufficient information to support discipline, all documentation collected including testimony, pleadings, judgment, etc. shall be forwarded through the chain of command along with the recommendation for personnel action. The judgment and sentence shall be considered in the decision to discipline and the level of discipline imposed, if any. Such issues that may be of significance, include, but are not limited to: active jail or prison term, supervised probation, prayer for judgment continued, deferred prosecution, etc. In any event, such situations shall normally be considered on a case-by-case basis.

Investigatory status shall not be used to provide time to await a final court decision. If a manager chooses to conduct an independent investigation, and disciplinary action is later recommended, it shall be supported by the results of the investigation and shall stand alone independent of any conviction. The investigation may include such things as reports from the arresting officer, the employee's plea, witness statements from individuals including Department employees, etc.

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If the employee is a certified employee, additional steps shall be necessary. The Criminal Justice Standards Division requires that all criminal felony offenses and misdemeanor offenses as defined in 12NCAC 09G.0102(10) that a certified officer pleads no contest to, pleads guilty to, is found guilty of, or committed be reported in writing to the Standards Division within thirty (30) calendar days of the date the case was disposed of in court. The Department of Correction and the criminal justice officer/employee are obligated to report the offense(s). Managers shall report such offenses through the chain-of-command with a recommendation regarding retention or revocation of the employee's criminal justice certification using the Notification Form for Criminal Offenses.

***NOTE:** Criminal Justice considers Prayer for Judgment Continued as a conviction. Deferred prosecution is not considered a conviction, but may be considered as evidence that the employee committed the offense and therefore, shall be reported to the Criminal Justice Standards Division.*

The Division Director or designee shall then determine the Division's recommendation regarding retention or revocation of certification in the case and provide in writing to the Personnel Director the following information and materials:

1. Cover letter with brief synopsis of background information: Statement of previous non-traffic violation convictions, itemized statement of all charges in the current case, final disposition of the charges. Finally, the recommendation of the Division should be stated regarding retention or revocation of the employee's certification.
2. Copy of court records indicating the disposition of all charges surrounding the offense.
3. Recommended dispositions from supervisors.

The Secretary or designee shall furnish the Department's recommendation and other applicable information, *i.e., copy of the court disposition*, to the Criminal Justice Training and Standards Commission. The Commission has the authority to revoke or suspend a criminal justice officer's certification depending upon the offense(s). The Criminal Justice Training Standards Commission officials will review the Department's recommendation and provide a written decision directly to the Secretary of Correction. The decision shall be conveyed to the Division Director and other appropriate managers with any necessary instructions.

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Domestic Violence Orders

Employees issued domestic violence orders are required to report the order in accordance with the section governing Conditions of Continued Employment. Once reported, the manager shall conduct an investigation and the employee shall be immediately reassigned to a post not requiring the use of a firearm, i.e., administrative duties. The manager shall contact the Personnel Office Employee Relations Section and provide the employee with a letter to the presiding judge explaining the consequences of conviction on the employee and their employment if convicted.

After the investigation, if facts gathered are sufficient to support disciplinary action, appropriate disciplinary action up to and including dismissal shall be taken.

If the evidence is insufficient to support disciplinary action or the disciplinary action taken does not rise to the level of dismissal but the order remains in effect not to exceed a total of twelve (12) months, the employee shall be subject to a fitness for duty evaluation to determine his/her suitability to work with offenders. For the duration of the order, the employee may be allowed a temporary reassignment or administrative duties to facilitate compliance with the order, i.e., no use of firearm. This reassignment of duty may be to a different division. The granting of any temporary reassignment of duty is subject to the availability of appropriate positions.

If the order is renewed at the expiration of the twelve (12) month period, the employee's employment status shall be reevaluated, i.e., disciplinary action, effect of long term inability to perform essential job functions, etc.

Persons Prohibited From Becoming Surety On a Bail Bond

G.S. 15A-541(a) provides that:

No sheriff, deputy sheriff, other law enforcement officer, judicial official, attorney, parole officer, probation officer, jailer, assistant jailer, employee of the General Court of Justice, other public employee assigned to duties relating to the administration of criminal justice, or spouse of any such person may in any case become surety on a bail bond for any person other than a member of his immediate family. In addition, no person covered by this section may act as agent for any bonding company or professional bondsman. No such person may have an interest, directly or indirectly, in the financial affairs of any firm or corporation whose principal business is acting as bondsman.

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G.S. 15A-541(b) provides that a violation of this section is a misdemeanor. Violations shall be investigated in the same manner as any other arrest, citation, warrant, and/or conviction. An investigation independent of any legal or pending legal action into the allegations/circumstances surrounding the incident shall be conducted and violations shall be considered unacceptable conduct and may result in disciplinary action up to and including dismissal.

Reporting of Theft or Misuse of State Property

G.S. 114-15.1 requires that:

Any person employed by the State of North Carolina who receives any information or evidence of an attempted arson, or arson, damage of, theft from or theft of, or embezzlement from, or embezzlement of, or misuse of any State-owned personal property, building or other real property shall report such information to the immediate supervisor. Ultimately, the information shall be reported to the State Bureau of Investigation. All employees are required to adhere to the following steps when reporting information as described above:

1. All information shall be reported to the Superintendent, Branch Manager, Parole Services Director, or Work Unit Manager/Supervisor immediately or no later than 72 hours after receipt of information.
2. The Superintendent, Branch Manager, Parole Services Director, or Work Unit Manager/Supervisor shall report such information in writing to the Division Director or appropriate Assistant Secretary immediately or no later than 24 hours after receipt of information.
3. The Division Director or Assistant Secretary shall submit a written report to the Secretary immediately or no later than 24 hours after receipt of information. The Secretary is responsible for reporting the information to the State Bureau of Investigation within ten (10) calendar days. Upon receipt of the information, the SBI may conduct an investigation, if appropriate.

All employees shall cooperate fully with SBI officials during an investigation. Copies of the above reports shall be maintained by the Division Director or appropriate Assistant Secretary. Failure to comply with these procedures or knowingly reporting false information shall be considered unacceptable personal conduct and may result in disciplinary action up to an including dismissal.

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Failure to Cooperate During or Hindering an Internal Investigation

Department managers (*or designees*) routinely conduct investigations into a variety of work related matters for which an employee may be required to respond to questions, provide information/data, etc. In such investigations, employees may be questioned by a manager (*or designee*) individually on more than one occasion in an effort to gather information surrounding an incident and to differentiate between facts and hearsay.

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Employees are required to cooperate during such investigations by displaying truthfulness and honesty. An employee's failure to cooperate with Department officials or hindering an internal investigation constitutes unacceptable personal conduct and is representative of those causes considered for disciplinary action up to and including dismissal. Additionally, providing false or purposefully misleading information during the course of an internal investigation or discussing any aspect of the investigation with anyone other than the investigative personnel also constitutes unacceptable personal conduct and is representative of those causes considered for disciplinary action up to and including dismissal. In addition, failure to submit to a polygraph examination when directed to do so by a Department official is considered hindering an investigation and is unacceptable personal conduct and is representative of those causes considered for disciplinary action up to and including dismissal. Such investigations may include, but are not limited to:

- Employee Grievance and/or Disciplinary Investigation
- Inmate Grievance Investigation
- Investigation of stolen property
- Investigation into misuse of State owned equipment
- Investigation into safety violations

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Employees being interviewed during such an investigation should be advised in writing of the following prior to the commencement of questioning:

- a. Questions will relate specifically and narrowly to the performance of official duties and/or personal conduct;
- b. The employee's answers cannot be used against him/her in any subsequent criminal prosecution;
- c. The employee's answers can be used against him/her in an administrative or disciplinary action;
- d. The penalty for refusing to answer questions may be dismissal; and,
- e. The penalty for providing false or purposefully misleading information may be dismissal.

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Failure to advise an employee of their rights may damage the investigation and prevent the Department from taking any action, or result in reinstatement with back pay, etc., of a previously dismissed employee.

Resignation Without Written Notice

In those cases when an employee is absent without approved leave, as directed by verbal or written procedures, for three (3) consecutive scheduled work days, the employee may be separated under the provisions of "Resignation Without Written Notice." In cases when an employee does not report for work or call in to the supervisor as directed by written policy or by verbal communication for three (3) consecutive scheduled work days, management may consider that the employee has voluntarily resigned without written notice if efforts have been made to contact the employee by calling the last known telephone number and by sending the employee a certified, return receipt requested letter to the last known address to determine if the employee plans to return to work.

This provision also applies when the employee is absent for at least three (3) consecutive scheduled work days, has been instructed verbally or in writing of a specific manner of reporting by management, and does not report to the appropriate supervisory personnel on a regular basis satisfactory to the employing agency.

Such separations as described above are voluntary separations from State employment and create no right of grievance or appeal.

Separations under these provisions require prior approval of the Personnel Director or designee. Once all efforts to contact the employee in writing and to return the employee to work have been exhausted, the manager shall prepare his/her recommendation that the employee be separated under these provisions and submit the written recommendation with the supporting documentation through the chain-of-command to the Personnel Office. The package shall include a detailed history of all efforts made to contact the employee, a copy of at least one (1) written attempt to contact the employee with a copy of the certified return receipt, and a DRAFT letter to the employee advising of the separation under the provisions of "Resignation Without Written Notice." The Personnel Director or his/her designee shall review the recommendation and supporting documentation. Following final authorization from the Personnel Director or designee, management shall be advised of the authorization and instructed to notify the employee in writing that he/she has been separated from the Department of Correction under the provisions of "Resignation Without Written Notice." The letter of notification to the employee shall be sent by certified mail, return receipt requested.

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Separation Due to Unavailability When Leave is Exhausted

An employee may be separated on the basis of unavailability when the employee becomes or remains unavailable for work after all authorized leave credits and benefits have been exhausted and agency management does not grant leave without pay for reasons deemed sufficient by the agency. Such reasons include, but are not limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and may be appealed.

Prior to separation, the manager shall meet with and notify the employee in writing of the proposed separation, why leave without pay or an extension of leave without pay cannot be approved, the efforts undertaken to avoid separation and why the efforts were unsuccessful. The employee shall be given the opportunity in this meeting or in writing to propose alternative methods of accommodation, and the date such proposed accommodations must be received. If the proposed accommodations are not possible, the manager shall notify the employee of that fact and the proposed date of separation under the provisions of "Separation due to unavailability after all Leave Benefits have been Exhausted." If the proposed accommodations or alternative accommodations are being reviewed, the agency shall notify the employee that such accommodations are under review and give the employee a projected date for a decision.

Separations under these provisions require prior approval of the Personnel Director or designee. Once the employee has been contacted in writing and advised that leave without pay or an extension of leave without pay cannot be approved, that the employee's requested accommodation(s) cannot be approved (*if the employee requested an accommodation*) and the employee continues to be unable to return to work, the manager shall prepare his/her recommendation that the employee be separated under these provisions and submit the written recommendation with supporting documentation through the chain-of-command to the Personnel Office. The package shall include a detailed history of the contacts with the employee, copies of all previous correspondence with the employee related to the proposed separation, and a DRAFT letter to the employee advising of the separation under the provisions of "Separation Due to Unavailability When Leave is Exhausted." The Personnel Director or his/her designee shall review the recommendation and supporting documentation. Following final authorization from the Personnel Director or designee, management shall be advised of the authorization and instructed to notify the employee in writing that he/she has been separated from the Department of Correction under the provisions of "Separation Due to Unavailability When Leave is Exhausted." The letter shall state the specific reasons for the separation and advise the employee of his/her right of appeal.

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*January 1, 1999
**July 1, 2010

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The separation letter should contain specific statements of the following:

1. Why the employee was not granted leave without pay;
2. The efforts undertaken to avoid separation and why these efforts were unsuccessful;
3. That the employee had an opportunity to propose alternative methods of accommodation and why they were not possible.

*

In the event of a grievance, the employee's burden is to prove that he/she was available for work with an accommodation, that he/she proposed reasonable accommodation(s) to the Department and that the Department failed to make the proposed accommodation(s) or other reasonable accommodation(s).

Agencies should make efforts to place an employee separated pursuant to this policy when the employee becomes available, if the employee desires, consistent with other employment priorities and rights. However, there is no mandatory requirement placed on an agency to secure an employee, separated under this policy, a position in any agency.

RETENTION OF DISCIPLINARY MATERIALS IN OFFICE FILE

All disciplinary actions shall be considered active until one of the following occurs:

1. the manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or

*

2. the employee receives a rating of Good or better in the key responsibility/result that is related to the performance issue for which the employee was disciplined on the most recent performance evaluation; or

*

3. the employee receives rating of Good or better in the dimension that is related to the conduct issue for which the employee was disciplined on the most recent performance evaluation; or

**

4. eighteen (18) months have passed since the issuance of the disciplinary action and the employee has received no further discipline in the last eighteen (18) months.

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So long as a disciplinary action is considered active, the disciplinary letter and all documents relating to the specific action taken against an employee shall remain in the employee's permanent personnel file in the Personnel Office in Raleigh. This excludes materials and documents relating to an approved dismissal that shall remain a part of the file indefinitely. Also excluded are convictions of DWI's or any other action that may impact an individual's criminal justice certification and incidents involving excessive use of force. Such incidents shall be considered on a case-by-case basis.

When the disciplinary action becomes inactive the employee may initiate a request for the removal of the material from his/her personnel file.

The employee's written request shall be submitted to the appropriate manager (*i.e., Superintendent, Judicial District Manager, Work Unit Chief, Section Chief, etc.*). The request may be approved or disapproved at any point within the chain-of-command. However, once the request is disapproved, the employee shall be notified in writing and the request shall not proceed any further through the chain-of-command. Approvals shall proceed through the chain-of-command with final authorization/approval from the Division Director or designee.

If approved, the disciplinary action shall be removed from the employee's permanent personnel file in the Personnel Office in Raleigh and shall also be removed from any other employee file, *i.e., field personnel file.*

Once a disciplinary action is deemed inactive, it has no value and shall not be used as supporting documentation for other discipline.

RIGHT TO APPEAL

The following employees have access to the internal disciplinary appeal process:

*

1. All employees who have attained career status as that term is defined in law;
2. All employees with a permanent full-time or permanent part-time appointment who have completed a probationary period but who have not yet attained career status as that term is defined in law;
3. All employees with a trainee appointment who have attained career status as that term is defined in law;
4. All employees who have completed a trainee appointment but have not yet attained career status as that term is defined in law.

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An employee as identified above following disciplinary actions:

1. Demotion,
2. Dismissal.

Step 1 is Mediation.

The employee shall have fifteen (15) calendar days from the date of receipt of written notice of the action to file an appeal. The employee shall be notified of his/her appeal rights at the time the discipline is issued. The appeal rights shall include procedures for mediation. Specifically, the disciplinary action appeal shall be filed in writing by the employee using the "Mediation Step (1) – Discipline Employee Appeal Request Form." It shall be submitted to the Mediation Intake Coordinator and received on or before the fifteenth (15th) calendar day after the employee receives the disciplinary action. *(This policy excludes probationary employees and newly hired employees in trainee status).*

Step 2

If an agreement is not reached in mediation, an employee covered under this policy demoted for disciplinary reasons, or dismissed may appeal the action. The disciplinary action appeal must:

1. Be in writing;
2. Be received in the Office of the Special Assistant to the Secretary, 214 West Jones Street, MSC 4201, Raleigh, NC 27699-4201, on or before the tenth (10th) calendar day from the date the employee receives Step 2 appeal rights.

The appeal should include:

1. the employee's name, BEACON identification number, and work unit;
2. the basis for appeal, for example, procedural errors, extenuating circumstances, discrimination, etc.; and,
3. the names of Department of Correction witnesses

Refer to the Grievance Policy and Procedures for further information.

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If an employee alleges discrimination in his/her appeal, an investigation shall be conducted by the Department of Correction's Equal Employment Opportunity (EEO) Officer prior to the Special Assistant to the Secretary assigning the appeal to either the Employee Relations Committee or a hearing officer. The EEO Officer will advise the employee of the findings/determination prior to the hearing and may present the findings/determination at the hearing if appropriate.

*

Employees who allege discrimination may file their concerns with the Department's EEO Officer by writing to the Department of Correction, EEO Officer, Mail Service Center 4201, Raleigh, NC 27699-4201 or 214 W. Jones Street, Raleigh, North Carolina or they may appeal directly to the State Personnel Commission. A direct appeal to the State Personnel Commission alleging discrimination shall be filed with the Office of Administrative Hearings (OAH) within thirty (30) calendar days of the alleged discriminatory act.

In the case of demotion or dismissal, as provided for in G.S. 126-39, if a career state employee, as defined in the State Personnel Act (G.S. 126), is not satisfied with the final decision of the agency head, or if, within a reasonable length of time a final decision by the agency head cannot be obtained, the employee may appeal to the State Personnel Commission.

Such an appeal must be filed with the OAH within thirty (30) calendar days of receipt of the final agency decision or within a reasonable period of time after the employee has been unable to obtain a final agency decision in a reasonable timeframe. The appeal to the State Personnel Commission shall be made in writing by filing a petition for a contested case hearing pursuant to G.S. 150B-23 with the OAH, 6714 Mail Service Center, Raleigh, NC 27699-6714 or 424 N. Blount St., Raleigh, NC 27601-2817.

A copy of the appeal must also be served by certified mail on the agency's registered agent, NC Department of Correction, 4201 Mail Service Center, Raleigh, NC 27699-4201 within thirty (30) calendar days of receipt of the final agency decision.

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Separation due to unavailability when all leave credits and benefits have been exhausted, while not a disciplinary action, may be appealed. The employee shall have fifteen (15) calendar days from the date of receipt of written notice of the action to file an appeal directly to the Personnel Director. The written appeal shall be directed to the Personnel Director. This appeal may be delivered by any means the employee chooses, however, it must be received in the Personnel Director's office on or before the fifteenth (15th) calendar day after receipt of the written notice in order to be timely filed. Failure to comply will mean the appeal will not be heard. (*This policy excludes probationary employees and newly hired employees in trainee status*).

RECORDS

Personnel Records of Employees and Former Employees

Employees and former employees may access their personnel records in accordance with the procedures as delineated in the State Personnel Policy governing personnel records. Specifically, employees and former employee may inspect and examine their personnel file during regular business hours provided the employee or former employee produces appropriate identification to the individual responsible for managing personnel records. This includes personnel files maintained in the Department of Correction Personnel Office and the personnel file maintained at the work unit. The personnel file may be examined in its entirety except for:

Letters of referenced solicited prior to employment, and

Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient. This would generally include the medical information that the employee did not have knowledge of, *i.e., the Criminal Justice F-2 form, etc.* It would not include medical documents that the employee did/does have knowledge of, *i.e., the Criminal Justice F-1 form, vaccination reports, tuberculosis test results, etc.*

In some cases, the former employee's personnel file may not be readily available, in that the personnel file may have been forwarded to a receiving State agency if the employee transferred to another State agency after separating from the Department of Correction or the personnel file may have been forwarded to the State Records Center if the has been separated from the Department of Correction for more than three (3) years. If the file has been forwarded to the State Records Center, the personnel file may be requested by a Personnel Office staff member; however, it may take several weeks to receive the personnel file.

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Statistical Records

The Department of Correction shall maintain records and provide information and statistics on the discipline and dismissal process to the Office of State Personnel as requested.

TRAINING

The Personnel Office shall provide ongoing formal training to Department of Correction managers and supervisors on the Department of Correction Disciplinary Policy and Procedures and the application of this policy and the procedures.

Letter to be given to an employee to present to the presiding judge in Domestic Violence Order cases.

TO: The Honorable _____
District Court Judge for _____ County

FROM: _____

RE: Domestic Violence Order directed to _____ (employee)

DATE: _____

We are informed that you have issued or are contemplating the issuance of an order pursuant to 150B that included or will include a prohibition on the possession of a firearm during its pendency.

The Department takes no position whatsoever with respect to the order itself or its terms. We simply wish to make sure that the Court appreciates fully the significance of any such order.

The above-referenced employee is a ___ correctional officer ___ probation/parole officer

In that capacity, this employee is required to possess and carry the issued firearm as directed and while on duty. Possession of a firearm while on duty following issuance of a domestic violence order banning such possession is not a bar to lawful possession under federal law. Nevertheless, it remains a misdemeanor under our statutes. For that reason, the Department will withhold issuance of a firearm from any employee subject to such order. (Policy attached)

IF THERE IS A POSITION AVAILABLE which does not require possession of a firearm for some period of time, the Department will consider placing the employee in that position. However, no positions will be created or modified for that purpose. Moreover, even if a reassignment is feasible, such accommodation will only be made temporarily and only so long as the required services and duties of the Department are not impaired.

It remains the position of the Department that the ability to possess and carry a firearm lawfully is an Essential Job Function for every certified employee. If an order banning such possession is issued or remains in effect, the employee may be terminated.

Again, we take no position with respect to the order itself. In most such cases, however, the livelihood of the order's subject is not in jeopardy and the Department wished to insure that the court was aware of all potentially relevant circumstances.

11/01/01

PRE-DISCIPLINARY CONFERENCE ACKNOWLEDGEMENT FORM

TO: _____
(Employee)

FROM: _____
(Manager) (Unit)

RE: PRE-DISCIPLINARY CONFERENCE

DATE OF CONFERENCE: _____

This verifies that you were provided a: *(check appropriate block)*

_____ Pre-Dismissal Conference

_____ Pre-Demotion Conference

Additionally, this verifies that the reasons supporting the above proposed action which led to this conference were discussed and that you were given an opportunity to explain your side of the story and respond to those reasons.

I acknowledge that I have read and understand the above:

Employee Signature **Date**

Further, this verifies you were given reasonable advance notice in writing of the purpose, time, date, and location of this conference.

I acknowledge that I have read and understand the above:

Employee Signature **Date**

Supervisor/Individual Conducting Pre-Disciplinary Conference **Date**

Witness (If necessary) **Date**

cc: Permanent Personnel File

10/02/95

EMPLOYEE/WITNESS STATEMENT FORM

In accordance with the Department of Correction Disciplinary Policy and Procedures, failure to cooperate with or hindering an internal investigation, including the refusal to answer questions, and providing false or purposefully misleading information during an internal investigation constitutes unacceptable personal conduct and may result in discipline up to and including dismissal.

DIRECTIONS: DO NOT TYPE. MUST BE HANDWRITTEN BY EMPLOYEE. PLEASE WRITE CLEARLY. FORM MUST CONTAIN AN ORIGINAL SIGNATURE OF EMPLOYEE SUPPLYING STATEMENT.

NAME: _____

POSITION NUMBER: _____

LOCATION: _____

CLASSIFICATION: _____

STATEMENT: *(Use additional paper or back of form if necessary)*

Please list any witnesses or individuals who may have information relative to this investigation.

I understand this statement will be considered part of the official investigation and that I may be called on to testify or provide written or verbal clarifying statements. The statement I have provided is an accurate account of the case to the best of my knowledge.

Signature

Date

08/20/04

**NORTH CAROLINA DEPARTMENT OF CORRECTION
INTERNAL INVESTIGATION**

EMPLOYEE NAME: _____

POSITION TITLE AND NUMBER: _____

WORK LOCATION: _____

I understand that I am being interviewed by the designees of the _____ as a part of an internal investigation which has been ordered by _____ that I am expected to cooperate with the officials conducting the investigation (or designees) and to provide them complete and accurate information at the initial interview and also during any subsequent interviews which may be necessary. I further understand that the Department of Correction's Employee Disciplinary and Grievance

Policy and Procedure provides that failure to cooperate with or hindering an internal investigation is personal misconduct for which I may receive any level of discipline, up to and including dismissal. I further understand that discussing any aspect of the investigation with other employees of the Department of Correction or other individuals involved in the investigation is personal misconduct for which I may receive any level of discipline, up to and including dismissal. I further understand that:

- (a) Questions will relate specifically and narrowly to the performance of official duties and/or personal conduct;
- (b) The employee's answers cannot be used against him/her in any subsequent criminal prosecution;
- (c) The employee's answers can be used against him/her in an administrative or disciplinary action;
- (d) The penalty for refusing to answer questions may be dismissal; and,
- (e) The penalty for providing false or purposefully misleading information may be dismissal.

Employee's Signature: _____ Date: _____

Witness' Signature: _____ Date: _____

NOTICE TO REPORT FOR POLYGRAPH TEST

Date: _____

To: _____

From: _____

You are hereby ordered to report to _____
on _____ to take a polygraph (lie detector) test. The test will be
administered by _____.

The polygraph test is being given in connection with an internal investigation being
conducted by the North Carolina Department of Correction.

Your refusal to take the polygraph test or your refusal to answer any question during the
polygraph test will be considered a refusal to cooperate with the investigation and may be
grounds for disciplinary action up to and including dismissal from employment.

Except for certain procedural questions, the questions asked during the test will relate
specifically and narrowly to the performance of official duties or to matters of personal conduct
for which employees may be disciplined.

Your answers during the test may not be used against you in any subsequent criminal
prosecution. However, your answers may be used against you in an administrative or
disciplinary proceeding, and the Department of Correction may discipline you, up to and
including dismissal from employment, for giving false or misleading answers.

EMPLOYEE ACKNOWLEDGMENT

I have read and understand the above notice and have received a copy of it.

Employee Signature

Date

Witness Signature

Date

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

APPENDIX A

JOB PERFORMANCE

- A. **POLICY:** All employees of the Department of Correction shall perform their assigned duties and responsibilities in an acceptable manner. Violation of this policy may result in disciplinary action.
- B. **EXAMPLES:**

PERFORMANCE OF DUTIES

Unsatisfactory job performance refers to work-related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work standard, or as directed by the supervisor(s) or manager(s) of the work unit. The following causes relating to the performance of duties are representative of those considered for suspension or dismissal. This is by no means an all inclusive list:

1. Performance that is below good or unsatisfactory (*Inefficiency or incompetence in the performance of duties*).
2. Careless, negligent, or improper use of State property or equipment in the performance of duties.
3. Absence without approved leave.
4. Failure to report for duty at the assigned time and place.
5. Failure to follow established safety policies and procedures.

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

APPENDIX B

GROSSLY INEFFICIENT JOB PERFORMANCE

- A. **Grossly inefficient job performance** refers to unsatisfactory job performance that occurs in instances in which the employee: fails to satisfactorily perform job requirements as specified in the relevant job description, work standard, or as directed by the supervisor(s) or manager(s) of the work unit; and that failure results in:
1. the creation of the potential for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) over whom the employee has responsibility; or
 2. the loss of or damage to state property or funds that result in a serious impact on the State and/or work unit.
- B. **EXAMPLES:**
1. Brutality or excessive use of force in the performance of duties.
 2. Leaving an assigned post without specific authorization from a properly empowered superior.
 3. Failure to remain alert on the job, resulting in possible threat to security and safety of the State, Department, citizens, employees, inmates, probationers, or parolees.

NOTE: Written Warning is the minimum discipline for this conduct.

4. Engaging in activity which seriously jeopardizes the safety of fellow employees or inmates.
5. Careless workmanship resulting in spoilage or waste of materials or work delays or delay in Production.
6. Failure to follow established safety policies and procedures which results or could result in the endangerment of life and/or property.

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

APPENDIX B

GROSSLY INEFFICIENT JOB PERFORMANCE, continued

7. Negligence which jeopardizes, or may jeopardize, the safety and security of inmates, staff or the general public, i.e.,
 - a) failure to provide appropriate custody/ security measures which result in an escape, may result in an escape or, result in an escape going undetected;
 - b) failure to provide appropriate custody/security which results in harm to any individual, or may result in harm to an individual.

This may include but is not limited to situations which result in inmate assaults, loss of keys, or failure to lock-up or secure weapons or properly account for knives, tools, etc. which subject the unit, staff and inmates and general public to security risks.

8. Failure to complete reports, accurately reflect information on reports, and/or submit through the appropriate channels where such failure could result in harm to employees, inmates, probationers, parolees, property, or other individuals. This also includes reports generated as a result of physical harm to persons or property. *Examples include but are not limited to: Use of Force, Incident Report, Use of Weapon, Request for Warrant, etc.*

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

APPENDIX C

PERSONAL CONDUCT

- A. **POLICY:** All employees of the Department of Correction shall maintain personal conduct of an acceptable standard as an employee and member of the community. Violations of this policy may result in disciplinary action including dismissal without prior warning.

In general, **unacceptable personal conduct** includes:

1. conduct for which no reasonable person should expect to receive prior warning; or
2. job-related conduct that constitutes a violation of state or federal laws; or
3. conviction of a felony or an offense involving moral turpitude that is determined to or impacts the employee's service to the State; or
4. the willful violation of known or written work rules; or
5. conduct unbecoming a state employee that is detrimental to state service; or
6. the abuse of client(s), patient(s), student(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility or an animal owned by the State; or
7. falsification of a state application or in other employment documentation.

B. **EXAMPLES:**

The following causes are examples of Personal Conduct. Each situation/incident will be considered on a case-by-case basis. This is by no means an all inclusive list:

1. Actions which could result in a conviction of a felony, misdemeanor, or alcohol/drug related offense including DWI. It is the duty of all Department of Correction employees to immediately report all legal charges that may arise on or off the job. Disposition of the charges must also be reported immediately.
2. Misuse of State funds.
3. Falsified job information to secure a position.

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

4. Participating in any action that would in any way seriously disrupt or disturb the normal operation of the agency, or any sub-unit of the Department of Correction or State government.
5. Trespassing on the home or property of any State official or employee for the purpose of harassing or forcing dialogue or discussion from the occupants.
6. Willful damage, destruction, or theft of property.
7. Willful acts that would endanger the lives and property of others.
8. Possession of unauthorized firearms or lethal weapons on the job.
9. Refusal to accept a reasonable and proper assignment from an authorized supervisor. Insubordination: Refusal to follow the orders of a superior or supervisor; or refusal to follow established policy or practice.
10. Reporting to work under the influence of alcohol or drugs or partaking of such on the job.
11. Acceptance of gifts in exchange for "favors" or "influence".
12. Betrayal of confidential information from official records.
13. Engaging in incompatible employment or serving a conflicting interest.
14. Failure to obtain written approval of secondary employment.
15. Taking part in political management or in political activity or campaigns prohibited by law.
16. Discriminatory practices, sexual harassment, or intimidation of fellow employees.
17. Commission of public acts of personal or financial irresponsibility that would bring discredit upon the Department of Correction.

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

18. Bringing intoxicating beverages onto state owned or leased property or onto property entered in the course of employment (*with the exception of authorized family dwellings such as those at Fountain Correctional Center for Women and Harnett Correctional Institution*).
19. Bringing controlled substances onto any state owned or leased property or property entered in the course of employment.
20. Borrowing anything from, lending anything to, accepting gifts or personal service from, bartering or trading, or engaging in undue familiarity with inmates, probationers, parolees or clients except as specifically authorized by law, regulations, or directive.
21. Failure to report known or possible undue familiarity of an employee with inmates, probationers, parolees, or clients to the appropriate supervisor, may be grounds for disciplinary action under personal conduct. This is not confined to one division or work unit. For example, a Probation/Parole Officer having knowledge that a Correctional Officer is allowing a parolee to reside in the Correctional Officer's home.
- *
22. Failure to cooperate with Federal, State, Local, or Departmental officials or hindering internal/external investigations, including failure to submit to a polygraph examination when directed to do so by Department officials.
23. Willful presentation of false or purposefully misleading information to the court or Parole Commission or any governmental body including internal communications in the Department.
24. As a representative of the Department, being found in contempt of court.
25. Willfully falsifying employee, inmate, probationers, parolees or other clients records.
26. Willfully falsifying any official document.
27. Disorderly conduct; fighting; threatening or attempting to inflict bodily injury to another engaging in horseplay.

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

28. Knowingly making false or malicious statements with intent to harm or destroy the reputation, authority, or official standing of an individual or the Department.
29. Positive drug test results.
30. Violations of law.
31. Use of state property and equipment for personal use.
32. Misrepresentation of facts to supervisors, managers, or others in the use or attempted use of sick leave.
33. Willful failure to complete reports, accurately reflect information on reports, and/or submit through the appropriate channels where such failure could result in harm to employees, inmates, probationers, parolees, property, or other individuals. This also includes reports generated as a result of physical harm to persons or property. *Examples include but are not limited to: Use of Force, Incident Report, Use of Weapon, Request for Warrant, etc.*
34. Failure to comply with the policy concerning Gifts, Favors, Honorariums, and the Solicitation of Donations. (*Administrative Memorandum 1.01.03-92*).
35. Refusal to submit to a routine search upon entering a correctional facility and refusal to remain in a designated area as ordered until a search may be conducted.
36. Removal, attempted removal, or permitting removal of any confidential file or record or portion of a confidential file or record from the workplace for any reason or purpose. This includes but is not limited to, information, materials, or documents from current and former employee personnel files, inmate files, probationer or parolee files, and employee, inmate, probationer, or parolee medical files.

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APPENDIX D

Appendix D includes a variety of sample letters to be used as reference when preparing disciplinary correspondence. Whether the issues used as examples are performance or conduct is not the point of the letter. The sample letters are to provide guidance in developing disciplinary documentation. Additionally, an acknowledgement signature may not always be necessary depending on whether the letter was mailed or delivered in person. If mailed, it is suggested that the letter/memorandum be mailed certified return receipt requested. This is helpful when there are appeal rights so that a date of receipt can be confirmed to determine the timeliness of an appeal.

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

April 1, 1995

MEMORANDUM

TO: Mr. U.R. Leight
FROM: Earl E. Byrd, Superintendent
RE: Written Warning

You are being issued a written warning for unacceptable work performance. This written warning is a result of your tardiness in reporting to work. Specifically, you have reported late for second shift on the following dates:

<u>Date</u>	<u>Time</u>
1-31-95	3:15 p.m.
2-15-95	3:10 p.m.
2-20-95	3:20 p.m.
3-05-95	3:15 p.m.
3-15-95	3:20 p.m.

As we discussed, you are expected to report to work at 2:45 p.m. for second shift. I have previously counseled you about this problem on February 16, 1995 and on March 6, 1995. During our last counseling session you stated that you understood the importance of being on time. You are expected to report to work at 2:45 p.m. as scheduled unless there is a bona fide personal emergency.

We will meet once every 30 calendar days to review your record. In the meantime, please understand that if this problem reoccurs or if other performance or conduct problems occur you may be issued further discipline up to and including dismissal.

This action is final and carries no appeal rights since this is the first written warning issued to you. Please feel free to let me know if I can help you in any way.

cc: Unit File
Personnel File - Raleigh

I acknowledge receipt of this written warning.

Signature _____ Date _____

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

October 1, 1995

MEMORANDUM

TO: Mr. U.R. Leight
FROM: Earl E. Byrd, Superintendent
RE: Written Warning

You are being issued a written warning for performance of duties for your continued failure to report to work as scheduled.

You were scheduled to work Thursday, 9/20/95 for second shift. You did not report nor did you call the unit to request leave or advise that you were not able to work. Asst. Supt. Whitehat attempted to contact you, however, no one answered your phone. Lt. Trigger went to your house and was advised by your wife that you were fishing with some friends. Upon your return to work on 9/22/95, you stated you thought you had asked for the day off, but admitted you had really forgotten to make the request. You stated that this would not happen again.

You have been counseled with previously about your tardiness and you were issued a written warning on 4/1/95 for performance of duties specifically related to your tardiness. Continued unacceptable performance of duty or unacceptable personal conduct will result in disciplinary action up to and including dismissal. I encourage you to closely evaluate your situation and make the required improvements. If you need assistance, please contact me.

Since this is the second written warning and the first written warning remains active, and since you are non-probationary, you may file an internal appeal of this action by writing Ms. Lola Denning, Special Assistant to the Secretary, Office of the Secretary, Department of Correction, PO Box 29540, Raleigh, NC 27626-0540 or 214 W. Jones Street, Raleigh, NC within 15 calendar days of receipt of this letter. This appeal may be delivered by any means you choose, however, it must be received in the Office of the Secretary on or before the 15th calendar day after receiving this letter in order to be timely filed. Failure to comply will mean your appeal will not be heard.

cc: Unit File
Personnel File - Raleigh

I acknowledge receipt of this written warning.

Signature _____ Date _____

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

December 8, 1995

Mr. U.R. Leight
Route 1, Box 111
Nowhere, North Carolina 27592

Re: Pre-Disciplinary Conference

Dear Mr. Leight:

We have completed our investigation and based on the results, it is our intention to recommend through the chain of command that you be dismissed as a result of your unacceptable work performance. Therefore, a Pre-Dismissal Conference has been scheduled for Thursday, December 14, 1995, in my office at 9:00 am to provide you an opportunity to respond to the issues supporting the proposed action.

On November 28, 1995 you failed to report for work as scheduled and you also did not contact anyone at the unit to let the officer in charge know you would be absent. Sgt. Jones attempted to contact you at 555-2580, the telephone number you had listed on your file as current, at 6:30 am, 8:00 am, and again at 9:30 am to determine if you would be reporting for work, and if there was a problem. However, attempts to contact you were unsuccessful. As you are aware, it is the policy of this work unit that any employee who will either be reporting late or not reporting at all, is required to contact the officer in charge immediately and notify them of his/her absence.

This absence is just one incident in your history of unsatisfactory performance of duties. You were issued a written warning on April 1, 1995 for a pattern of tardiness and a second written warning on October 1, 1995 for being absent without approved leave.

Please understand that the purpose of the Pre-Dismissal Conference is to provide you an opportunity to present your side of the story. Should you be unable to attend, you are instructed to contact my office within 24 hours of the scheduled conference.

Sincerely,

I. M. Wright, Superintendent

I acknowledge receipt of this written warning.

Signature _____ Date _____

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

December 14, 1995

Mr. U.R. Leight
Route 1, Box 111
Nowhere, North Carolina 27592

Re: Recommendation to Dismiss

Dear Mr. Leight:

We have completed our investigation and based on the results, it is our intention to recommend through the chain of command that you be dismissed as a result of your unacceptable work performance.

Specifically, on November 28, 1995 you failed to report for work as scheduled and you also did not contact anyone at the unit to let the officer in charge know you would be absent. Sgt. Jones attempted to contact you at 555-2580, the telephone number you had listed on your file as current, at 6:30 am, 8:00 am, and again at 9:30 am to determine if you would be reporting for work, and if there was a problem. However, attempts to contact you were unsuccessful. As you are aware, it is the policy of this work unit that any employee who will either be reporting late or not reporting at all, is required to contact the officer in charge immediately and notify them of their absence.

This absence is just one incident in your history of unsatisfactory performance of duties. You were issued a written warning on April 1, 1995 for a pattern of tardiness and a second written warning on October 1, 1995 for being absent without approved leave.

Any and all information offered by you during the Pre-Dismissal Conference will be given full consideration in determining the final action to be recommended. You will be notified in writing of the final decision of your case and any further appeal procedures if applicable, as soon as possible. Should you have any questions regarding this process, please contact me.

Sincerely,

I. M. Wright, Superintendent

I acknowledge receipt of this written warning.

Signature _____ Date _____

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

Certified Receipt #: XXXXXXXX

December 28, 1995

Mr. U.R. Leight
Route 1, Box 111
Nowhere, North Carolina 27592

Re: Dismissal

Dear Mr. Leight:

A recommendation for your dismissal for unacceptable work performance has been approved by the Department of Correction effective December 28, 1995.

Specifically, on November 28, 1995 you failed to report for work as scheduled and you also did not contact anyone at the unit to let the officer in charge know you would be absent. Sgt. Jones attempted to contact you at 555-2580, the telephone number you had listed on your file as current, at 2:30 p.m., 4:00 p.m., and again at 7:30 p.m. to determine if you would be reporting for work, and if there was a problem. However, attempts to contact you were unsuccessful. As you are aware, it is the policy of this work unit that any employee who will either be reporting late or not reporting at all, is required to contact the officer in charge immediately and notify them of their absence.

This absence is just one incident in your history of unsatisfactory performance of duties. You were issued a written warning on April 1, 1995 for a pattern of tardiness and a second written warning on October 1, 1995 for being absent without approved leave.

A Pre-Dismissal Conference was conducted on December 14, 1995 to advise you of the proposed recommendation and to provide you an opportunity to respond to the issues supporting the proposed recommendation. During the conference you stated that you understood the unit's policy regarding calling in when you will be late or absent but that you had thought that November 28, 1995 was a scheduled day off for you. You further stated that you had gone hunting and that is why there was no answer at your residence. All employees are required to check the schedule daily for any changes. Even so, November 28, 1995 had been a regularly scheduled workday for you from the beginning and was not a change in the schedule. For that reason, it cannot be accepted that you thought this was scheduled day off for you.

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Mr. U.R. Leight
Dismissal
December 28, 1995
Page Two

Since you are non-probationary, you may file an internal appeal of this action by writing Ms. Lola Denning, Special Assistant to the Secretary, Office of the Secretary, Department of Correction, PO Box 29540, Raleigh, NC 27626-0540 or 214 W. Jones Street, Raleigh, NC within 15 calendar days of receipt of this letter. This appeal may be delivered by any means you choose, however, it must be received in the Office of the Secretary on or before the 15th calendar day after receiving this letter in order to be timely filed. Failure to comply will mean your appeal will not be heard.

Sincerely,

I. M. Wright, Superintendent

cc: Personnel File

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

October 15, 1995

MEMORANDUM

TO: Mr. John Doe
FROM: Supt. I.M. Right
RE: Written Warning

You are being issued a written warning for grossly inefficient job performance. This is a result of your failure to be alert on 10/1/95.

Specifically, on 10/1/95 you were observed by Sgt. James Smith in a non-alert condition while assigned to the back tower on third shift. While making his rounds, Sgt. Smith observed you sitting in your chair with your head nodded and your chin resting on your chest. Sgt. Smith flashed you with his flashlight and you failed to respond. He flashed you a second time and again, you failed to respond. Sgt. Smith then proceeded up the steps to the tower and upon entering the tower he tapped you on the shoulder until you acknowledged his presence. Sgt. Smith immediately had you relieved and instructed you to report to the Captain's office to discuss this incident with Cpt. Mary Jones, OIC. Cpt. Jones reviewed the incident with you and reminded you that you are expected to be fully alert in the performance of your duties. You stated that you understood this expectation, but that you hadn't had much sleep that day because you were worrying about some financial problems as a result of your recent divorce.

As a correctional officer you are responsible for the safety and security of the institution and for the supervision of inmates. Your failure to be alert at your post assignment jeopardized that safety and security of this institution. You are again instructed that you are expected to be fully alert in the performance of your duties, that failure to be alert is considered grossly inefficient job performance, and that failure to improve immediately shall result in additional disciplinary action up to and including dismissal.

Furthermore, I am making a supervisory referral to the Employee Assistance Program for you. You are schedule for an appointment with Ms. Sally Thomas on Monday, 10/30/95 at 9:00 am.

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Memorandum
Mr. John Doe
October 15, 1995
Page Two

This action is final and carries no appeal rights since this is the first written warning issued to you.

Please let me know if I can help you in any way.

cc: Unit File
Personnel File - Raleigh

I acknowledge receipt of this dismissal letter.

Signature _____ Date _____

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

September 6, 1995

Mr. I.M. Dumm
1436 Trouble Drive
Deep Creek, North Carolina 25782

Re: Placement on Investigation

Dear Mr. Dumm:

You are being placed on investigatory status effective September 6, 1995. This period of investigation status is not considered a disciplinary action, will be with pay, and may not be appealed. This action is necessary to investigate allegations that you brought an illegal substance into the facility and sold it to inmate Ben High.

Specifically, on September 1, 1995, you were observed by Sgt. Tom Jones giving inmate Ben High a vial of what appeared to be cocaine. Sgt. Jones also observed you accepting money from inmate High after you had given him the vial. Division of Prison's policy states, "It is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate, or stimulant drug, or any narcotics, poison or poisonous substance, except upon the prescription of a physician...." These allegations, if substantiated, constitute personal dealings with an inmate and are considered unacceptable personal conduct.

During this period of investigatory status you will not report for duty nor return to the job site without my permission. At the completion of my investigation you will be notified in writing of the outcome and any proposed recommendation which may include disciplinary action up to and including dismissal.

If you have any questions you may contact me at (919) 321-9876.

Sincerely,

Supt. Joe Jones

cc: Personnel File

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

Certified Return Receipt No.: XXXXXXXX

September 11, 1995

Mr. I.M. Dumm
1436 Trouble Drive
Deep Creek, North Carolina 25782

Re: Pre-Disciplinary Conference

Dear Mr. Dumm:

We have completed our investigation and based on the results, it is our intention to recommend through the chain of command that you be dismissed as a result of your unacceptable personal conduct. Therefore, a Pre-Dismissal Conference has been scheduled for Friday, September 15, 1995, in my office at 9:00 a.m. to provide you an opportunity to respond to the issues supporting the proposed recommendation.

Specifically, on September 1, 1995, you were observed by Sgt. Tom Jones giving inmate Ben High a vial that contained what appeared to be cocaine. Sgt. Jones also observed you accepting money from inmate High after you had given him the vial. The vial given to inmate High was tested and it has been confirmed that the vial contained approximately two (2) grams of cocaine. Division of Prison's policy states, "It is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate, or stimulant drug, or any narcotics, poison or poisonous substance, except upon the prescription of a physician...." Your actions on September 1, 1995 constitute unacceptable personal conduct.

Please understand that the purpose of the Pre-Dismissal Conference is to provide you an opportunity to present your side of the story and present any further information.

Should you be unable to attend, you are instructed to contact my office within 24 hours of the scheduled conference.

Sincerely,

I. M. Wright, Superintendent

cc: Personnel File

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Revised :

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APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

September 15, 1995

Mr. I.M. Dumm
1436 Trouble Drive
Deep Creek, North Carolina 25782

Re: Recommendation for Dismissal

Dear Mr. Dumm:

We have completed our investigation and based on the results, it is our intention to recommend through the chain of command that you be dismissed as a result of your unacceptable personal conduct.

Specifically, on September 1, 1995, you were observed by Sgt. Tom Jones giving inmate Ben High a vial that contained what appeared to be cocaine. Sgt. Jones also observed you accepting money from inmate High after you had given him the vial. The vial given to inmate High was tested and it has been confirmed that the vial contained approximately two (2) grams of cocaine. Division of Prison's policy states, "It is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate, or stimulant drug, or any narcotics, poison or poisonous substance, except upon the prescription of a physician...." Your actions on September 1, 1995 constitute unacceptable personal conduct and are the basis for this recommendation.

Any and all information offered by you during the Pre-Dismissal Conference will be given full consideration in determining the final action to be recommended.

You will be notified in writing of the final decision of your case and any further appeal procedures if applicable, as soon as possible. Should you have any questions regarding this process, please contact me.

Sincerely,

I. M. Wright, Superintendent

I acknowledge receipt of this dismissal letter.

Signature _____ Date _____

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Effective : October 1, 1995
Revised :

Subject:

APPENDIX TO DISCIPLINARY POLICY AND PROCEDURES

Certified Return Receipt No.: XXXXXXXX

September 29, 1995

Mr. I.M. Dumm
1436 Trouble Drive
Deep Creek, North Carolina 25782

Re: Dismissal

Dear Mr. Dumm:

A recommendation for your dismissal from the Department of Correction for unacceptable personal conduct has been approved effective September 29, 1995.

Specifically, on September 1, 1995, you were observed by Sgt. Tom Jones giving inmate Ben High a vial that contained what appeared to be cocaine. Sgt. Jones also observed you accepting money from inmate High after you had given him the vial. The vial given to inmate High was tested and it has been confirmed that the vial contained approximately two (2) grams of cocaine. Division of Prison's policy states, "It is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate, or stimulant drug, or any narcotics, poison or poisonous substance, except upon the prescription of a physician...." Your actions on September 1, 1995 constitute unacceptable personal conduct and are the basis for your dismissal.

A Pre-Dismissal Conference was conducted on September 15, 1995 to provide you an opportunity to respond to the proposed recommendation. At that time you had no further information to offer except to say that the inmate had set you up. This theory was investigated and no evidence could be found to substantiate our claim.

Since you are non-probationary, you may file an internal appeal of this action by writing Ms. Lola Denning, Special Assistant to the Secretary, Office of the Secretary, Department of Correction, PO Box 29540, Raleigh, NC 27626-0540 or 214 W. Jones Street, Raleigh, NC within 15 calendar days of receipt of this letter. This appeal may be delivered by any means you choose, however, it must be received in the Office of the Secretary on or before the 15th calendar day after receiving this letter in order to be timely filed. Failure to comply will mean your appeal will not be heard.

Sincerely,

I. M. Wright, Superintendent

cc: Personnel File

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Sample letter for employee who is being assigned as part of an investigation:

Dear Mr. John Jones;

The purpose of this letter is to advise that you are being administratively assigned to Wake Correctional Center effective *(date)*. This assignment is to allow time to investigate allegations, brought by Anne, of inappropriate personal conduct by you.

You are relieved of your duties at Central Prison for the duration of this investigation. You are not to return to Central Prison without my expressed permission and you are not to have any contact or communication with any employee of the Dept. of Correction, including employees of Central Prison, regarding this investigation. Finally, you are to have no contact or communication of any kind with Ms. Anne.

You are to report to *(name)*, who will describe your duties during this interim period, on *(date)* at *(time)*.

Again, your assignment is to allow time to investigate allegations of inappropriate personal conduct by you. It is important that you understand that no decision has been reached in this matter. This is not a disciplinary action, but is in the best interest of the Department of Correction as well as yourself in order to avoid allegations of retaliation or intimidation of any employee who has information related to this investigation.

Sincerely,

Manager

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APPENDIX E

INVESTIGATIVE PROCESS

The following procedures are intended to serve as suggested guidelines for managers when conducting investigations of disciplinary issues. It is recognized that no two (2) investigations are exactly alike; therefore, these guidelines may need to be molded to meet the needs of the manager conducting the investigation.

Before any employee is disciplined for unacceptable job performance including grossly inefficient job performance or personal conduct, a thorough investigation should be conducted to determine if the action taken was reasonable, fair and consistent when compared to the action taken in similar incidents.

The purpose of the investigation is:

1. to gather facts regarding a specific situation or incident;
2. to draw conclusions based on the facts gathered; and,
3. to make recommendations to management.

Conducting objective and thorough investigations ensures the integrity of the disciplinary/grievance process. Further, properly conducted investigations minimize the risk that employees are disciplined without cause.

ISSUE ARISES

Managers and supervisors may become aware of issues that require investigation in a variety of ways. It is recommended that investigations be initiated as quickly as possible. Delays may result in memory lapses, etc. and may damage the case in the long run. If it is an employee raising an issue with management, *e.g., allegations of sexual harassment*, a preliminary interview with that employee should be conducted at the time the issue is raised. It is important to obtain information when the issue first arises as memories tend to fade with time and unfortunately, employees may conspire on their stories.

In addition to a verbal interview, these employees should always be required to make written statements.

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The employee's written statement should address the following questions:

- *What happened?
- *Who was involved?
- *When did the incident take place?
- *Where did it take place?
- *Were there witnesses?
- *Have you discussed this incident with anyone else?
- *Do you have written documents, diaries, etc.?
- *Are you aware of others who have the same concern?

DOCUMENTATION

Documentation may be obtained in the following manner:

- A. Audio tape - Interviews of the employee under investigation, witnesses, and other managers and supervisors relevant to the issue(s) may be audio taped. This helps ensure an accurate account of the interview and prevents the possibility of illegible notes and lapses of memory.
- B. Notes - Throughout the investigation, meetings, interviews, telephone conversations and any other communication should be documented. It is important, however, that notes contain only the facts, leaving out conclusions. Facts are those things that are either heard or observed. Facts do not include interpretations, personal beliefs or assumptions. For example, Sgt. Jones observes an empty bottle of beer in the front seat of Officer Smith's car that is parked in the parking lot of the prison facility. Sgt. Jones reports to Cpt. Kirk that Officer Smith had drank a bottle of beer prior to reporting to work. It is a fact that there is an empty bottle of beer in the front seat of Officer Smith's car; however, it is an assumption of Sgt. Jones that Officer Smith had drank a beer prior to reporting to work.

During interviews with affected employees, the person's demeanor should be observed and documented without drawing a conclusion at this point, i.e., rather than assume someone is nervous, document that the employee's voice cracked, the employee could not sit still, etc.

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Notes should be kept in a separate file away from other work-related material. Avoid using day planners or wire bound books in which other confidential, irrelevant, or personal information may be contained. This is to avoid the entire book being shared publicly during litigation resulting in the release of other confidential, irrelevant, or personal information. Notes should be maintained confidentially and shared only with those in a need-to-know position.

INTERIM ACTION

Often some preliminary fact-finding is required beyond the initial interview with the employee who is the focus of allegations, or the employee raising the issue, to determine the appropriate course of action. Interim action may be necessary to:

- A. protect health/safety of other employees
- B. protect integrity of the investigation, *e.g. remove the potential of witnesses feeling intimidated or coerced.*

TYPES OF INTERIM ACTION:

A. Administrative Reassignment/Transfer - Site/shift

Explaining an administrative transfer to an employee

- 1. The employee should be told that the move is pending an investigation.
- 2. The employee should be told that it is in their best interest to move to avoid further complaints and possible retaliation.
- 3. The employee should be told that the move will demonstrate that the investigation will be objective and that the employee was not able to influence the investigation.

B. Placement on Investigation

Purpose: Allow time to establish facts and reach a decision concerning an employee's continued employment status.

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An employee may be placed on investigation status with approval from the Personnel Director or designee(s) in appropriate circumstances. Investigation status shall be with pay and may be used to temporarily remove an employee from work status. Placement on investigation status with pay does not constitute a disciplinary action, and therefore, may not be appealed at the agency level nor to the State Personnel Commission.

Investigation status may be appropriate in the following circumstances:

1. To investigate allegations of performance or conduct deficiencies that, if proven, shall be grounds for dismissal;
2. To provide time within which to schedule and conduct a pre-disciplinary conference; or
3. To avoid disruption of the work place and/or to protect the safety of persons or property.

Under no circumstance is it permissible to use placement on investigation status for delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee.

An employee who has been placed on investigation shall be furnished a letter setting forth the allegations or specific acts or omissions that are the reasons for the investigatory placement. The letter shall also state that the action is not a disciplinary action under this policy and therefore, does not carry any right of appeal. The letter shall be delivered to the employee no later than the second (2nd) workday after the beginning of the placement. A copy of the letter shall be maintained at the work unit with the Employee Time Report.

NOTE: Please refer to the Disciplinary Policy and Procedures for detailed guidelines governing Investigatory Placement.

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PLANNING THE INVESTIGATION

People don't plan to fail, they fail to plan. As in most cases, some planning is required before you begin interviews. This planning is critical to the success or failure of the investigation. In planning the investigation, it should be determined who will be questioned and in what order, *i.e., witnesses, what questions will be asked, etc.* In other words, develop a "plan of action." Be prepared and anticipate the unexpected.

Who Should Conduct the Investigation

Investigations may be conducted by a single individual or a group of individuals. In deciding who should conduct the investigation, the following questions should be asked:

Who has the experience?

How many investigations has this person or persons done?

Is this person or are these persons knowledgeable of policy?

Can this person/these persons be objective?

Are any of these persons related or good friends?

Does this person or do these persons have any biases or prejudices?

(a man hears what he wants to hear and disregards the rest)

An investigator should be objective. His/her primary responsibility is to uncover all of the facts.

What policies, procedures or practices apply to this situation? (Just as importantly, how was the employee informed of these?)

Personnel Policy and Procedures
Divisional Policy and Procedures
Standard Operating Procedures
Federal and State Laws

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What relevant documents are required to complete the investigation?

Employee Time Records (DC113)
Previous investigations
Office Memorandums
Mileage Logs, Expense Records
Notes, Diaries Kept by Employee
Phone Records

Who Should be Interviewed?

Start with the individuals having first hand knowledge of the issue or incident under investigation.

Observers, *i.e.*, *witnesses*, of the incident.

Those people directly involved in the incident.

The persons named by the employee who raised the issue.

People who the subject of the investigation has asked you to interview.

Limit the number of interviews to stay focused on the issue and to preserve time.

TECHNIQUES FOR EFFECTIVE QUESTIONS

1. Prepare a broad list of questions or outline general questions. Move to narrow questions after the person being interviewed has given the facts as they know them.
2. Majority of your time should be spent listening and observing behavior(s). If you have a specific list of questions, you are not watching or worrying about your list of questions.
3. Ask tough questions. Don't let the interviewees' discomfort stop you from getting all of the information they have. (*Save these for the later part of the interview.*)
4. Ask questions which force a person to relate events chronologically. Compare different chronological versions to help determine creditability.
5. Ask questions which are designed to give you relevant facts.
6. Ask open-ended questions.
7. Ask one question at a time.
8. Ask who, what, when, where, why and how.

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9. If employee denies wrong doing ask, "why do you think the person making this allegation would lie?"
10. Conclude interviews by asking, "Is there anything that I have failed to asked that you feel is important;" "Do you have any information related to this investigation?"

TYPES OF WITNESSES

1. Impartial

Considered very credible since they have nothing to gain from what they are telling you.
May not want to become involved
Don't allow an employee to refuse to make a statement.
It is their obligation to cooperate.

2. Loves the Limelight

Individuals in this category enjoy being a part of the investigatory process. The interview makes them feel important.
These witnesses may not be as credible because of their tendency to embellish their story.

3. Ax to Grind

These individuals view the interview as an opportunity to retaliate against the person who is being investigated because of either a real or imagined injury that was done to them in the past.
Credibility of these witnesses may be suspect.

4. Non-Objective/Biased

These individuals have a loyalty or obligation to the person being investigated.
Credibility of theses witnesses may be suspect.

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THE INTERVIEW

- A. Put the person being interviewed at ease. To obtain information from individuals, you need the people to talk openly and freely. Anticipate questions from those being interviewed and be prepared to respond honestly, but cautiously. Those being interviewed often ask:
- * What are you investigating?
 - * How will you use the information I give you?
 - * Is this confidential?
 - * Will I get in trouble by talking to you?
 - * Am I being investigated? (*Breach of an expressed oral contract*)
- B. Stress that no conclusion has been reached.
- C. Review the "North Carolina Department of Correction Internal Investigation" form.
- D. Confidentiality of investigation.
- E. Explain the issue to the person who is the focus of the investigation.
- F. Get a detailed account of the events surrounding the issue from the person who is the focus of the investigation. A written statement should be obtained from the employee related to each issue for which they are being disciplined.

Logic/Consistency of Story

(Don't throw your life experiences away. If it doesn't appear right, there is a good possibility that it isn't.)

Did their chronology of the events differ greatly from the chronology of others that had been interviewed?

Did their version make sense?

Was the person forthcoming or did you have to pull everything out of them?

Were their explanations, as to why issues were raised, believable?

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Evidence

Corroborating Evidence
Circumstantial Evidence
Real Evidence
Direct Evidence

Rarely is the investigator 100% sure that an event took place or did not take place unless someone makes an admission. You will frequently have to view the relevant facts you gather against the foundation of your experience.

MAKING A RECOMMENDATION

After analyzing the facts and reaching a conclusion as to what happened, you should prepare to make a recommendation to management regarding the actions that should be taken. The following issues should be considered when making a recommendation:

1. What policies, procedures, rules or regulations were violated? (*Was this something the employee knew or should have known?*)
2. Was the act Personal Conduct or Job Performance?
3. What was the seriousness of the offense?
4. How has the Division/Agency dealt with similar cases?
5. What is the employee's disciplinary history?

Identify the goal.

1. Is your goal to modify behavior or eliminate behavior?
2. How can this goal be achieved?
3. Will the proposed action achieve the goal?

Identify discipline.

Counseling/Coaching
Demotion
Administrative Transfer
Demotion in Place
Written Warning

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INVESTIGATIVE SUMMARY

Once the facts have been collected and analyzed, and the final decision(s) has been made, the findings and conclusions should be documented in an investigative summary. The summary should include:

A. Investigative Background

This section summarizes the sequence and process followed from the time the issue was raised, through the investigation, to the final decision. It is normally no longer than two to three paragraphs and should include:

1. Name of person being investigated or who has raised the issue and in cases of discrimination, the person's race and sex should be included.
2. Classification of the individual being investigated or raising the issue.
3. Date the issue or information was received.
4. Statements summarizing the issue raised and/or information received.
5. Date investigation began and the date the investigation was completed.
6. Names of persons involved in the investigation.
7. Names of people interviewed and the dates of the interviews.

B. Facts or Evidence

This section should include facts relied on to make your recommendation. It should include only facts. Do not include conclusions or extraneous information. In general, this section will include:

1. Applicable policies and procedures, laws, rules, etc. that are relevant to the issue investigated.
2. Relevant facts derived from interviews with the employee under investigation or the employee that raised the issue and those with relevant information
3. Supporting documentation

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C. Conclusions

1. How policy/procedures apply to this incident or the issue under investigation.
2. Conflicting or inconsistent information obtained during the investigation.
3. Creditability of witnesses (*include why or how you arrived at the creditability of the witness*)

In reaching and documenting the final conclusion use facts, not assumptions. Refer to policy/procedures and avoid references to laws. Facts are objective, assumptions are not. Legal definitions are best left to the legal experts and for Court. Referring to violations of policy and procedures add clarity to the conclusion. Be as brief as possible. Use "bullets" or "1,2,3". Write in an objective or neutral style.

D. Recommendations

Investigation Interview Tape Recording(s) Chain of Custody

I, _____, was present during the recording of the interview with _____ on _____.

There are _____ tapes from this interview which are labeled as follows:

These tapes have been in my custody and possession since the date of recording until released as indicated below:

Date/Time	Released By	*Received By	Purpose of Change

* Signature certifies these tapes were in the custody and possession of the recipient until such time and date of their release as indicated above.

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that the following information, policy, or procedure was explained to me. I further acknowledge that it is my responsibility to understand and abide by these policies or procedures. I have been advised that if I have any questions concerning any of the below indicated policies or procedures, it is my responsibility to contact my supervisor for an explanation.

1. New Employee Orientation Manual
2. The Department of Correction Safety and Health Handbook
3. Employee Grievance Policy
4. Employee Disciplinary Policy
 - a. Conditions of Continued Employment
 - b. List of offenses constituting unacceptable personal conduct
5. State of North Carolina Department of Correction Worker's Compensation and Salary Continuation Programs Handbook
6. Policy on the use of State Telephones
7. Secondary Employment
8. Alcohol and Drug Free Workplace Policy
9. Employee Assistance Program
10. Americans with Disabilities Act
11. Sexual Harassment Policy
12. Procedures for Reporting Use of Leave

Employee's Printed Name: _____

Employee's Signature: _____ Date: _____

Witness: _____ Date: _____