5.19 Employee Disciplinary Policy

Last Revised: December 3, 2018

Policy: Piedmont Community College’s President or designee may suspend, demote, or dismiss an employee of Piedmont Community College (PCC) for cause. The President may make this decision directly or by approving the recommendation of the appropriate supervisor and/or vice president.

Purpose/Definitions:

Purpose

The purpose of this policy is to provide a process by which employees are redirected or dismissed concerning behavior and/or work performance.

Definitions

Designee – any PCC employee, typically a team member/supervisor, to whom the initially responsible person yields the employment decision.

Suspend – the action of excusing an employee from all work activity, with or without pay, during and/or as the result of a disciplinary investigation.

Demote – the action of decreasing an employee’s work pay rate and/or assigning an employee to a role with less pay during and/or as the result of a disciplinary investigation.

Dismiss – the action of terminating an employee from employment with PCC.

Cause – grounds for disciplinary action as defined in Section 1 of this Policy 5.19.

Approval Authority/Monitoring Authority: The Board of Trustees of Piedmont Community College has approval authority for this policy. The Vice President, Administrative Services has monitoring authority for this policy.
Procedure:

Section 1: Grounds for dismissal

a. Grounds for immediate dismissal include, but are not limited to:
   i. Insubordination
   ii. Workplace violence
   iii. Sexual or other unlawful harassment
   iv. Gross neglect of job duties
   v. Immoral or unethical conduct unbecoming a member of the faculty or staff, whether occurring on or off campus, that is detrimental to the College
   vi. Conviction of a felony or a crime involving moral turpitude
   vii. Retaliation, tampering with evidence, intimidating witnesses, and/or providing false information during disciplinary investigations
   viii. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the North Carolina General Statutes
   ix. Failure to meet the standards set in a performance improvement plan

b. Grounds for disciplinary action (up to, and including, dismissal) include, but are not limited to:
   i. Exhibiting a lack of morals and ethics
   ii. Use of alcohol or the non-medically prescribed use of a controlled substance as defined in Article 5, Chapter 90 of the North Carolina General Statutes which results in physical or mental impairment which negatively affects job performance
   iii. Failure to fulfill the duties and responsibilities imposed by the North Carolina General Statutes
Section 2: Immediate Dismissal

a. The normal process for immediate dismissal is as follows:
   i. The employee will be allowed to return to their workstation to gather their personal effects unless their continued presence poses a risk to the college.
   ii. The employee will surrender his/her keys, PCC ID(s), and all PCC property to the Director, Human Resources.
   iii. The employee will be escorted out of the building by the Director, College Safety or designee.
   iv. The Director, Human Resources or designee will survey the appropriate campus officials to confirm closure of all accounts and receipt of applicable PCC property.
   v. The Director, Human Resources or designee, will send the former employee the official dismissal notice and any other exit information within 10 business days of the dismissal.
   vi. The Director, Human Resources will inform the former employee of any personal effects to be returned to the former employee or College property that needs to be returned to campus.

b. If the continued presence of the dismissed employee poses a risk to the college, the Director, College Safety or designee will expedite the removal of the employee from campus.
   i. The Director, Human Resources or designee, in consultation with the former employee’s supervisor, will complete an inventory of items which may be the personal effects of the former employee.
   ii. The Director, Human Resources or designee, will send the former employee the official dismissal notice, along with the office inventory, and any other exit information within 10 business days of the dismissal.
   iii. The former employee then has five (5) business days after receipt to respond to the communication with any questions. Otherwise, the inventory, as listed, will be shipped to the last address of record and any leave payout, if applicable, will be processed as calculated.
Section 3: Preliminary Supervisor Coaching (template located on T:/Personnel Forms and Documents/PCC-Employee Coaching Notes Template)

a. When the supervisor determines that an employee needs some coaching/support concerning performance or behavior, the supervisor will meet with the employee and may document the meeting on an Employee Coaching Notes form.
   i. Level 1: Performance/Behavior issue is minor but needs attention.
   ii. Level 2: Performance/Behavior issue is minor but approaching habitual.
   iii. Level 3: Performance/Behavior issue is minor and habitual, and improvement measures need further attention.

b. Vice President signature is optional at Levels 1 and 2; however, the VP must be notified at level 3, and they may recommend a formal write-up.

c. Employee Coaching Notes may be used to support a Written Disciplinary Report (as noted in Section 4).

Section 4: Disciplinary Investigation

a. Allegations of grounds for disciplinary action in Section 1 that do not result in immediate dismissal are investigated by the supervisor (or designee) of the affected employee (hereafter noted as “the investigator”) in consultation with the Director, Human Resources or designee. Certain actions may require investigation by other College officials such as the Director, College Safety; Director, Human Resources; and/or the vice president of the area to which the affected employee is assigned. The President may opt to assign an alternative investigator.

b. The investigator will review all available information, including witness interview(s) and employee response, before recommending a disciplinary action, up to and including dismissal. The investigator will meet with and inform the employee of the purpose of the interview, outline the allegation(s), and allow the employee to respond to the allegations. If the employee has been suspended without pay or demoted without prior notice, this interview must take place within five (5) business days of the suspension or demotion.

c. Disciplinary investigations which reveal cause must result in a Written Disciplinary Report (template located on T:/Personnel Forms and Documents/PCC-Written Disciplinary Report Template). The report will include the following sections:
i. Job Expectations  
ii. Description of the Event(s)  
iii. Findings  
iv. Employee Response  
v. Recommendation

Once the investigator has the employee’s response, the investigator has five (5) business days to route the document for the appropriate signatures.

d. The President has ten (10) business days to approve the recommendation or provide alternative discipline. During this time the President has the option of interviewing any witness and/or the employee for further clarity. The President’s decision is final.

e. The employee’s supervisor has five (5) business days to communicate the disciplinary/employment decision to the employee. This communication plan will be developed in collaboration with the Office of Human Resources.

Section 5: Performance Improvement Plan (PIP) (template located on T:/Personnel Forms and Documents/PCC-Performance Improvement Plan Template)

a. Supervisors are encouraged to provide a reasonable level of coaching and training for employees in order to help them be successful in their roles.

b. In the event that an employee requires redirection concerning job performance and/or behavior and is deemed coachable, the supervisor, in consultation with the Office of Human Resources, will present the employee with a PIP.

c. The PIP must include actionable and measurable improvement areas.

d. The PIP must include a start date, a minimum of one check-in date (e.g., a midpoint), and final check-in date.

e. The employee has three (3) business days to review the PIP and request clarity on any improvement areas.

f. The PIP period may not exceed 90 days without further disciplinary action.
Section 6: Suspension

a. Suspension for cause may be effective immediately, during and/or as the result of a disciplinary investigation and can be with or without pay.

b. If the employee is suspended (with or without pay) before or during an investigation, the investigation must be completed within 60 calendar days of the date of suspension.

c. If the investigator finds cause, and recommends an extension of the suspension, the total suspension time will not exceed 90 calendar days.

d. If the investigator does not find cause, the employee will be compensated for time loss, and information regarding the suspension will be removed from the employee’s file.

Section 7: Demotion

a. Demotion for cause may be effective no earlier than the conclusion of the applicable disciplinary investigation.

b. Resignation as a result of a demotion notice may be effective immediately or up to 30 days.

c. Demotion for cause must include a performance improvement plan (PIP).

d. Further disciplinary actions may result from the PIP, up to and including dismissal.

Section 8: Dismissal

a. Dismissal for cause other than immediate dismissal may, but is not required to, include up to 30 days’ notice. During any such notice period, the employee may be assigned duties that do not require presence on the College campus.

b. Upon notice of dismissal, the Director, Human Resources or designee will schedule a transition consultation for a date no later than the employee’s last working day.
Section 9: Employee Rights

a. The College’s failure to discipline an employee does not exempt the same or any other employee from future disciplinary action for the same or similar conduct, up to and including dismissal.

b. If an employee believes that s/he has been wrongfully suspended, demoted, or dismissed, s/he may follow the Employee Grievance procedures as outlined in PCC policy 5.20.

Legal Citation: Procedure supports N.C.G.S. §143-60 and N.C.G.S. §90-5.

History: Policy Effective October 1988, EC Revised December 2018--replaces policies: 5.18 and 5.19.