

# MANAGEMENT GUIDE – UNACCEPTABLE PERSONAL CONDUCT

Policy Authority – [\*SHRA Disciplinary Policy\*](#)

The Office of Human Resources: Discipline Recommendations

**Note:** This guidance should only be used to address an employee's conduct, not job performance. The conduct may be job-related (on duty) or off duty so long as there is sufficient connection between the off-duty conduct and the employee's job. This document applies to SHRA employees only and provides practical steps to address employee performance in a clear and consistent manner. It outlines recommended actions from Human Resources, but it does not include every possible option or scenario. Managers should use these recommendations along with their judgment, university policy, and consultation with HR when needed.

## STEP 1: IDENTIFY THE PROBLEM

Unacceptable personal conduct focuses on the conduct of the employee and how it fails to meet workplace or job-related expectations.

By policy, unacceptable personal conduct is defined as the following:

1. Conduct for which no reasonable person should expect to receive prior warning.
2. Job-related conduct which constitutes a violation of State or federal law.
3. Conviction of a felony or an offense involving moral turpitude that is detrimental to or negatively impacts the employee's service to the State.
4. The willful violation of known or written work rules.
5. Conduct unbecoming a State employee that is detrimental to State service.
6. The abuse of client(s), patient(s), student(s), or person(s) over whom the employee has responsibility or to whom the employee owes a responsibility, or the abuse of an animal owned by or in custody of the State.
7. Material falsification of a State application or other employment documentation.
8. Insubordination, which means the willful failure or refusal to carry out a reasonable order from an authorized supervisor.
9. Absence from work after all authorized leave credits and benefits have been exhausted. (See alternatively the Separation Policy for information on Separation due to Unavailability, which may apply to situations in which leave credits and benefits have been exhausted.)
10. Use of professional State credentials for personal gain (which may be an example of unacceptable personal conduct type (1) and/or (5) above).
11. Serious disruption in the workplace (which may be an example of unacceptable personal conduct type (1), (4) and/or (5) above).

12. Subjecting an employee, client, contractor, or customer to intentionally discriminatory treatment or harassment (which may be an example of unacceptable personal conduct types (1), (2), (4) and/or (5) above).
13. Falsification of work-related documentation, such as a timesheet (which may be an example of unacceptable personal conduct type (1), (4), and/or (5) above).

Wetherington v. NC Department of Public Safety, 270 N.C. App. 161 (N.C. Ct. App. Feb. 18, 2020) a manager or supervisor should consider the following factors when considering the types of unacceptable personal conduct above, also consider the following:

1. the severity of the violations;
2. the subject matter involved;
3. the harm resulting from the violations;
4. prior work history, including disciplinary and performance history; and
5. the discipline imposed in other cases involving similar violations.

## **STEP 2: BEGIN THE PERFORMANCE MANAGEMENT PROCESS AND DOCUMENT**

If an employee demonstrates unacceptable personal conduct, begin by **documenting** your concerns in writing. You may use several methods to capture concerns. Choose a method that has a date and time stamp of the concerns you documented (ex. email to yourself or to HR).

## **STEP 3: DETERMINE THE TYPE OF EMPLOYEE DISCIPLINARY ACTION MOST APPROPRIATE BASED ON YOUR CONCERNS**

This process has multiple avenues to correct employee behavior based on the severity of their conduct. The following represents the tools you have available at this stage in the process for responding to unacceptable personal conduct:

1. **Documented Counseling Session (DCS).** A DCS is not a disciplinary action but is used to provide feedback on the areas that require improvement. A DCS must include the following:
  - a. Goals with performance tasks designed to meet them.
  - b. Clear deadlines or timelines to complete those tasks.
  - c. Workplace behaviors, if applicable.
  - d. A specific follow-up date for the supervisor or manager to assess progress.

2. **Written Warning.** A written warning is a disciplinary action designed to be used to formally document an employee's unacceptable personal conduct. It should include the following:
  - a. Inform the employee in writing that it is a written warning, and not some other nondisciplinary process such as a documented counseling session;
  - b. Inform the employee of the specific issues that are the basis for the warning;
  - c. Tell the employee what specific improvements, if applicable, shall be made to address these specific issues;
  - d. Tell the employee the time frame allowed for making the required improvements or corrections. Immediate correction is required for unacceptable personal conduct; and
  - e. Tell the employee the consequences of failing to make the required improvements or corrections;
3. **Dismissal.** An employee may be dismissed for disciplinary purposes for unacceptable personal conduct without any prior disciplinary action.

#### **STEP 4: CONTACT HUMAN RESOURCES**

To obtain disciplinary templates and receive guidance on the next steps in the process, please contact the Office of Employee Relations ([employeerelations@nccu.edu](mailto:employeerelations@nccu.edu)). Once a draft is completed, but before it is issued, submit it to the Office of Human Resources – Employee Relations for review and approval.