

# Disciplinary Action Policy

## Policy History

Revision Date	Brief Description of Change
December 15, 1969	First version. policy concerning disciplinary action and dismissal designed to solve problems in a fair and equitable manner without prejudice or favoritism.
December 29, 1975	Revised hearing procedure to shorten delay of hearings of new evidence or exceptions to the findings and rulings of the hearing officer.
January 7, 1976	Revised to provide for an impartial departmental employee relations committee. Allows personnel officers to serve only in an advisory capacity on personnel policy during grievance hearings.
September 30, 1977	Revised to provide law enforcement division to correct conduct of law enforcement personnel when said division has specific narrowly defined uses for suspension and the period of suspension does not exceed 3 days.
December 1, 1984	Final Written Warning - As a part of counseling, management may request employee to take up to a day's leave with pay to consider whether or not employee wishes to continue employment.  Suspension – a department may extend the period of investigatory suspension without pay beyond the 45-day limit. Permanent employees may file an appeal of disciplinary action.
February 1, 1985	Established procedures for administering the Disciplinary Action, Suspension and Dismissal Policy.
August 1, 1985	Revised pre-dismissal hearing policy due to decision of the US Supreme Court, which defined minimum procedural due process due employees upon being dismissed.
December 1, 1985	Changed pay in lieu of notice to apply to situations other than job performance.
January 1, 1988	Added section on credentials - applicant information and application.

June 1, 1988	Dismissal during probationary or trainee period revised to conform to legislation.
May 1, 2004	Delete the Grandfather provision, which is outdated.
August 1, 1988	Pre-suspension and pre-demotion conferences added. Agencies do not need to inform OSP as disciplinary suspensions without pay since its purpose in monitoring the use has been served.
April 1, 1989	Changed process for filing grievances/
July 1, 1989	Clarification of warnings/reprimands based on personal conduct. Such warnings cannot be used to shorten the mandatory three warning process for job performance dismissal.
November 1, 1989	Employee may be given 2 weeks pay in lieu of notice without getting prior approval. Technical change that requires at least one disciplinary action to be taken in cases of falsification. Deleted pay in lieu of notice for falsification.
March 1, 1990	Allows management to have a witness or security personnel present at predismisal conference if deemed necessary.
March 1, 1991	Employee Appeals & Grievances – revised to require approval of SPC for any settlement or agreement which requires exception to policy.
September 1, 1991	Dismissal part of policy revised. 7-1-93 Change “permanent” to “career.”
August 2, 1993	“Just cause,” unacceptable job performance, unacceptable personal conduct defined.
October 1, 1995	Entire policy revised.
January 1, 2002	Page 18 changed to conform to current rule which states that "A second management representative may be present at management's discretion."  Page 19 changed to conform to current rule which states that the decision should not be communicated after the end of the second business day following the completion of the conference.

May 1, 2004	Delete the Grandfather Provision, which is outdated.
July 1, 2004	Disciplinary Action, Suspension and Dismissal Clarified Falsification of Credentials as follows: (1) Deleted last paragraph under “What is just cause for grossly inefficient job performance?” (2) Revised paragraph on Obtaining and Maintaining Credentials. (3) Revised Paragraph 1 under Falsification of Credentials
July 1, 2010	Deletes the out-dated provision for an extension under the definition of Inactive Disciplinary Action. “Extensions” of disciplinary actions were permitted initially to provide a smooth changeover from a system with no time limits on disciplinary actions to a system with an 18 month time limit. Since we are now well beyond 18 months past 1995, this provision is no longer needed and is occasionally confusing.
February 1, 2011	The 2010 General Assembly passed House Bill 961 which, among other things, made the dismissal letter public information. This rule explains how to mesh the statutory requirement that the dismissal letter be public with the reality that the final dismissal letter might not contain the same reasons as originally used. It also provides a process that contemplates that the employee might in fact be reinstated as a result of the internal appeals process and not even be dismissed as a final agency action.
October 1, 2017	Updated to support the Managing the Employee Work Cycle Policy, clarify or expand existing information in the policy, and delete outdated portions of the policy. The specific disciplinary procedures have not changed.
August 7, 2023 (effective September 15, 2023)	All sections of the policy revised. Added cross references to other policies, removed gendered language, revised language that was inconsistent with the North Carolina Administrative Code to be consistent with the Code, including the definition of Unacceptable Personal Conduct, added footnotes with citations to the Administrative Code, removed definitions that were already written elsewhere in policy, and added reference to specific policy section.
October 17, 2024	Added a footnote to Section 5, Types of Disciplinary action that states:  “While investigating or deciding upon either a potential disciplinary action or an EEO-related complaint, agency staff may need to access

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	<p>material that otherwise would be inappropriate in the workplace, or agency staff may need to obtain testimony about allegedly inappropriate remarks or conduct. It is not a violation of policy — and it is not unsatisfactory job performance, grossly inefficient job performance, or unacceptable personal conduct — to access inappropriate material, or to ask for or receive testimony that otherwise would be inappropriate in the workplace, as part of a good faith effort to investigate or decide upon a potential disciplinary action or an EEO-related complaint. To be a good faith effort, the investigation must have been authorized by the agency head or agency Human Resources Director.”</p> <p>Edited Section 11.1, Agency Responsibilities, to make clear finalized actions needed to be placed in the electronic system of record, the HR/Payroll System.</p>
<p>June 25, 2026 (effective July 1, 2026)</p>	<p>Made confirming changes to reflect new Managing Employee Work policy.</p>