

25 NCAC 01I .2304 DISMISSAL FOR UNACCEPTABLE PERSONAL CONDUCT

(a) Employees may be dismissed for a current incident of unacceptable personal conduct without any prior active disciplinary actions. For unacceptable personal conduct, any level of discipline may be imposed without warning.

(b) Unacceptable personal conduct means:

- (1) conduct on or off the job that is related to the employee's job duties and responsibilities for which no reasonable person should expect to receive prior warning;
- (2) conduct that constitutes violation of State or federal law;
- (3) conviction of a felony that is detrimental to or impacts the employee's service to the agency;
- (4) the willful violation of work rules;
- (5) conduct unbecoming an employee that is detrimental to the agency's service;
- (6) the abuse of client(s), patient(s), or a person(s) over whom the employee has charge or to whom the employee has a responsibility, or of an animal owned or in the custody of the agency;
- (7) falsification of an employment application or other employment documentation;
- (8) insubordination that is the willful failure or refusal to carry out an order from an authorized supervisor;
- (9) absence from work after all authorized leave credits and benefits have been exhausted; or
- (10) failure to maintain or obtain credentials or certifications.

(c) Prior to dismissal of an employee with career status on the basis of unacceptable personal conduct, there shall be a pre-disciplinary conference between the employee and the agency director or designated management representative. This pre-disciplinary conference shall be held in accordance with the provisions of 25 NCAC 01I .2308.

(d) Dismissals for unacceptable personal conduct require written notification to the employee. The written notification shall include specific reasons for the dismissal and notice of the employee's right of appeal.

(e) Failure to give specific written reasons for the dismissal, failure to give written notice of applicable appeal rights, or failure to conduct a pre-disciplinary conference constitute procedural violations with remedies as provided for in 25 NCAC 01J .1316. Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

*History Note: Authority G.S. 126-4; 126-35;
Eff. August 3, 1992;
Amended Eff. April 1, 2001; December 1, 1995;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 20, 2016;
Amended Eff. September 1, 2019.*