

## **DHHS POLICIES AND PROCEDURES**

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<b>Section V:</b>	<b>Human Resources</b>
<b>Title:</b>	<b>Safety and Benefits</b>
<b>Chapter:</b>	<b>Personnel Actions for Violations of Safety and Health Policies</b>
<b>Current Effective Date:</b>	<b>4/1/04</b>
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### **Purpose**

To provide a mechanism for the discipline of employees who violate the department's safety and health policies and procedures, thereby placing themselves, those around them, and the property of the department in jeopardy.

### **Policy**

1. The Department of Health and Human Services (DHHS) requires all employees to adhere to the established safety and health policies, procedures, and practices.
2. If it can be demonstrated that an employee has ignored or violated established safety and health policy, procedures, or practices, such employee shall be subject to formal disciplinary action under the Job Performance Category.
3. A violation of policy or an unsafe act may be considered in the Personal Conduct category of the Disciplinary Procedures if it is so careless, reckless, or wanton that it is likely to result in an immediate or severe threat to life or property.
4. Supervisors are responsible for assuring that safety policies, procedures, and practices are followed within their area of authority, and shall follow the department procedures for the recommendation and action of violations invoking this policy.
5. The appropriate division/facility/school Safety and Health Director shall consult with the division/facility/school Human Resources (HR) Director prior to the issuance of disciplinary action for a violation of safety and health policies, procedures, and practices. Upon request of either party, the Safety Program Manager shall also be involved.
  - A. The specific facts, actions, omissions of actions, and related information shall be made available to the Safety Director and/or Program Manager with no reference to the name of the employee.

- B. The Safety Director and/or Program Manager shall, upon request, provide a written opinion of whether the actions constitute a violation of policy.

**Definitions (Also See Policy 1 Definitions Section)**

- 1. Safety Policy, Procedures, and Practices
  - A. Written department safety and health policy and procedures as specified in the Safety Manual or distributed as department policy.
  - B. Written division/facility/school procedures promulgated under the Safety and Health Program and incorporated in the Safety Manual or distributed as division/facility/school procedures.
  - C. Written safety practices and rules distributed to employees.
- 2. Posted - Having been distributed to employees, presented in training, included in the Safety Manual, placed in a prominent and visible location, or otherwise issued to the employee in written form.
- 3. Violation of Policy - Any act or omission of act that is in direct contradiction to the requirements of posted Safety and Health policy, procedures, or work rules, where it can be determined that the employee had documented knowledge and training of such requirements and the action or omission was within the employee's control.

**Implementation**

This policy shall be implemented through the procedures provided in the DHHS Policy and Procedure Manual, Employee Relations Section, Disciplinary Action or Disciplinary Action and Grievance Procedures for DHHS Educators policies, as appropriate. Where any conflict between policies exist, the DHHS policy shall take precedence and this policy shall be modified to eliminate the conflict.

**References**

- 1. North Carolina General Statutes, Chapter 143, Article 63, State Employees Workplace Requirements Program for Safety and Health: 143-582(6)
- 2. North Carolina Administrative Code: 25 NCAC 1N.0105(a)
- 3. North Carolina State Employees Requirements Program for Safety and Health, Section 2,

- A. Policy 2.2: Requirements 6.b.
- B. Policy 2.6.
- 4. State Personnel Manual, Section 7
- 5. The DHHS Policies and Procedures, Employee Relations Section
  - A. Disciplinary Action
  - B. Disciplinary Action and Grievance Procedures for DHHS Educators

*For questions or clarification on any of the information contained in this policy, please contact [Human Resources](#). For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).*