

Attached is the first Determination by Claims Adjudicator on Claim for Benefits noticed I received in April of 2015. It states that the UI Claims Adjudicator has reviewed my claim and determined that I will be penalized for the total possible maximum of 20 weeks for failure to attend a scheduled meeting which violated company's policy.

There is no way that this decision was made based on unemployment guidelines. First of all, if they had read BCBSSC 65205 Personal Conduct (which I have included in this package) there are no statements written based on meetings or the attending of meetings.

Now I'm sure that someone judging from the outside may believe that it's wrong not to attend scheduled meetings. However, BCBSSC IT department runs under a Matrix system (all of this is available to the public in Steve Wiggins, CIO of IT at BSBSSC, book and I have my documents from Furman University where we were taught this process of the Matrix). Its purpose is to create, manage and to assure that there is always more work than resources. So, it is quite common to be over-book for meetings, to be late to meetings, to have meeting cancelled and conference rooms changed. How does this function effectively? Through the process of escalation. Again, and outsider may think that escalation is bad. Not at BCBSSC, it is used to help set priorities and relocate resources.

Also, why was I given the maximum sentencing? Surely, not based on UI's internal guidelines. They didn't know what the meeting was about. How did they determined that it was not in the employer's best interest? The meeting was a one-on-one meeting with the subject listed as CHAT.

This decision does not fall under the bylaws for misconduct for Section 41-35-120(2)(A).

This is gross neglect and misuse of power by the government to oppress the very people who are depending on this agency's support at one of the most devastating times of their lives.

**FILED**

SEP 28 2015

SC ADMIN. LAW COURT

SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE  
P.O. BOX 995, COLUMBIA, S.C. 29202

GAIL T NEALY

DATE OF THIS NOTICE 03/30/15

1842 CHELTENHAM LN

COLUMBIA

SC 29223

CLAIMANT'S NAME				SOCIAL SECURITY NUMBER	EFFECTIVE DATE	DISQUALIFICATION ENDS	
GAIL T NEALY				096-50-1180	03/15/15	08/01/15	
SC WORKS #	TYPE	CATEGORY	WEEKLY BENEFIT AMOUNT	MAXIMUM POTENTIAL ENTITLEMENT	LESS REDUCTION OF	NET TOTAL BENEFITS	BENEFIT YEAR ENDS
400	I	01	\$ 326.00	\$ 6520.00	\$ 6520.00	\$ 0.00	03/14/16

DETERMINATION BY CLAIMS ADJUDICATOR ON CLAIM FOR BENEFITS

☐ You are eligible for benefits from the above effective date.

☒ You have been disqualified from receiving benefits or have been found to be ineligible for benefits for the following reason(s).

YOU WERE DISCHARGED FROM YOUR JOB WITH YOUR MOST RECENT BONA FIDE EMPLOYER FOR VIOLATION OF COMPANY POLICY. POLICIES VIOLATED WERE NOT UNREASONABLE, AND YOU DID HAVE OPPORTUNITY TO HAVE KNOWLEDGE OF THE COMPANY POLICIES. FAILURE TO COMPLY WITH COMPANY POLICIES WAS CONTRARY TO THE EMPLOYER'S BEST INTERESTS. YOU WERE DISCHARGED FOR MISCONDUCT IN CONNECTION WITH THE WORK UNDER THE SOUTH CAROLINA CODE SECTION 41-35-120(2)(A). YOU ARE DISQUALIFIED FOR 20 WEEKS. YOUR MAXIMUM BENEFITS ARE ALSO REDUCED BY 20 TIMES YOUR WEEKLY BENEFIT AMOUNT.

YOU VIOLATED THE EMPLOYER'S PERSONAL CONDUCT POLICY BY FAILING TO ATTEND A SCHEDULED MEETING.

☐ LAST SEPARATION FROM NON-LIABLE EMPLOYER

UI CLAIMS ADJUDICATOR

MAILING DATE 03/31/2015

IMPORTANT: THIS DETERMINATION WILL BE THE FINAL DECISION OF THE DEPARTMENT UNLESS YOU FILE AN APPEAL SETTING FORTH IN DETAIL THE GROUNDS FOR APPEAL WITHIN TEN (10) CALENDAR DAYS, INCLUDING WEEKENDS AND HOLIDAYS, FROM THE MAILING DATE SHOWN ABOVE. IF THE TENTH DAY FALLS ON A SATURDAY, SUNDAY, OR HOLIDAY, THE APPEAL PERIOD IS EXTENDED TO THE NEXT BUSINESS DAY. YOUR APPEAL MAY BE FILED BY MAIL ADDRESSED TO "APPEAL TRIBUNAL, POSTOFFICE BOX 995, COLUMBIA, SOUTH CAROLINA 29202", OR BY FAX 803.737.0287. FOR ADDITIONAL INFORMATION ON FILING AN APPEAL, CONTACT THE APPEALS DEPARTMENT AT 803.737.2520 OR VISIT OUR WEB SITE AT [WWW.DEW.SC.GOV/APPEALS.ASP](http://WWW.DEW.SC.GOV/APPEALS.ASP).

Appeal No. 04751-150983

S.C. Administrative Law Court

1205 Pendleton St, Suite 224

Columbia, SC 29201

To the Judicial Review:

The sad part concerning this new process to receive unemployment benefits, is that it has now become a matter of hearings and judicial law proceedings. How can this be? This is an insurance benefit, yet you've turned it into an audition to determine whether someone is worthy of unemployment funds.

If you had a health insurance claim, due to unexpected illness. You would not expect to have a hearing held on whether or not you are worthy of payment for your claim. Can the insurance company presided over your hearing as the judge and final decision maker to determine that your illness is your own fault for not taking better care of yourself? And therefore making you suffer for 17 weeks and during those 17 weeks increase your co-pay by \$300 a week?

This is exactly the situation you have created. You have hearings. Are these people conducting these hearing lawyers? Judges? Do they serve the plaintiff or the defendant? Are they sworn in to uphold the law based on Section 41-35-120. "Discharge resulting from substandard performance due to inefficiency, inability or incapacity shall NOT serve as a basis for disqualification under either subitem (a) or (b) of this item". I understand that these laws were put in place in order to pay back the federal government and to replenish the UI funds. However that was only supposed to last until 2015 according to the audit report.

I was terminated from BCBSSC (BlueCross BlueShield of South Carolina) on March 18<sup>th</sup> 2015 after working 18.6 years. I have performance reviews showing exceptional work and great work ethics for over 18 years. Surely, one would think that I at least deserve a week of UI benefits for every year of the hard, dedicated work I provide?

In October of last year our department was reorganized, due to a layoff by BCBSSC. This massive layoff was the first ever at BCBSSC. There was fear and rage over the sudden act of having longtime friends and co-workers being escorted out of the building without their belongings, without any prior notice or time for preparation. My department lost its manager and co-workers during this layoff. We started working for a new manager (Melody William). Then about two months later I was assigned new TeamLead (Michele-Lee Parrish). TeamLeads at BCBSSC are similar to supervisors. One month after that, I was told that I would be working in the Project Development area and that we would be moving to a new location within the building.

That was a lot of changes taking place for me. In such short period of time. I was trying hard to adjust and perform at an efficient level. But I didn't complain and I worked hard to produce quality work and learn this new role and understand the expectation of my new supervisor, manager and role. I expressed these concerns to my manager and supervisor. I was told that as a senior programmer she expects me to know these things.

The Settlement department in IT, consist of two areas. Project Development and Production/Test support. Project Development is responsible for implementing projects. They are involved in Scope documentation, obtaining customer requirements, designing, coding and testing these changes. This area attends lots of meeting as part of its process. However, the Production/Test support area is responsible for monitoring the batch and online cycles for production and test, responding to Helpdesk issues, researching and creating resolutions for any issues, help maintain a stable environment for tester and be proactive in the production environment.

Within a few weeks of all these changes, I was placed on "Indefinite Probation". When I asked is that possible? What is "Indefinite Probation"? HR explained that "Indefinite Probation" implies that your actions were so severe that you should have been fired. However instead you will forever be on probation for as long as you work for BCBSSC. I was placed on "Indefinite Probation" for an unauthorized charge of 16 hours to the system support account P55520. An account code that I have been charging my time to for the past 18.6 years. There are no requirements in Production/Test support to obtain authorization to charge hours to P55520. I have never request authorization in 18.6 years. I have thousands of hours charge to this code. Never once requested authorization. Actually, this is our charge code that everyone in Production/Testcycle support is authorized to charge time to. There are three codes we can use. P55500 for a production issue. P55520 for a testcycle issue and P55510 for a customer ticket. If after 18.6 years the rules had changed, no one informed us. As a matter of fact, I was the only one after being placed on "indefinite Probation" who was required to obtain written authorization from Melody, before I could log my time each day.

I charged this 16 hours to research why a batch job was abending in the test environment. For 6 months the Production/Testcycle support area that monitors the cycle for the entire company had been forcing this job complete. They were previously contacting our Settlement on-call person, who in turn kept stating that they should marked the job complete. So they started marking the job complete and stopped calling our area. I'm not sure how our Teamlead, Michele-Lee Parrish found out about it. But she was enraged. She requested to their manager that they must always call us before marking any of our jobs complete. So, they did. After about 3 weeks of constant calls and charges to P55520 from the person on-call for responding to these calls. They were told to stop calling us and mark the job complete (I know this sound unreasonable, but it is true). In one of Michele-Lee meetings we discussed this issue. She stated that she would contact the customers on the testing side to determine who was in this test region that was having the issue. After the meeting I had a conversation with our SA (these are the Settlement system's experts). Greg Snow (SA) told me that he research this issue for days and he thought it was just an IMS glitch in the system. That's when I decided to take a look at it, after all that is my job. I found the problem in 16 hours. It was pretty simple. A previous project that was implemented increase the length of a record. Other records that did not used this new data were not being initialized and was therefore passing garbage data. I tested my resolution of the problem. It worked. I documented and reported my findings to the Teamlead. This is standard procedures. Once I report an issue, I wait for further instructions. The Teamlead gets with the manager and they determine whether they want to fix it and how. However these are the actions that caused me to be placed on "Indefinite Probation".

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Never to come off of probation for simply doing my job.

I schedule a meeting with HR (Adel Byrnes) to discuss the "Indefinite Probation". After the meeting she stated that it sounds like I was just doing my job and that she would have a conversation with Russell Vereen the VP. I'm not sure what became of that meeting.

Our new Teamlead and manager believed in lots of meetings. I guess that was the norm for them. They would scheduled meetings and cancelled meetings constantly on a daily bases. They were always over booked with meetings and hard to locate, in that they were always in meetings. This was completely new for me. My area rarely attended meetings.

I was diagnosed about 10 years ago as ADHD. I have trouble with dates, time, sense of direction and counting small change. Most people think that ADHD means that you have trouble focusing. The reality is that when your focus is deep, you have trouble breaking that focus. You lose track of time, of where you are and of what else is going on around you. This why I'm so good at researching. This became a major issue for me in my new role. I kept missing meetings or was late to meetings. They would schedule me for 3 and 4 meetings back to back. I had no idea where these conference rooms were and when I'd get there, the meeting would be cancelled. This was so stressful for me. I found out that co-workers under the Project Development area had their Microsoft Outlook calendar set to automatically "accept" any meetings and send an auto response to the sender. So, I changed my settings also, trying desperately to improve. However, this proved to be to my demised, in that I was unaware that this new setting deletes the email that allows you to manually response. You no longer see the email invites. So, unless you reviewed your calendar 3 to 5 times a day, you can be completely unaware of any meetings that Microsoft has automatically accepted on your behalf.

This is what led to me being fired. I checked my calendar that day and determined that I had no scheduled meetings. However my director (Cindy Brown) scheduled a meeting around 9:30am for 3:00pm that day. I was in conference with the BA (Tammy Peters) discussing a high priority issue with EOB being mailed with incorrect data. By the time I arrived back to my desk, my computer had sent out an alert that I was 10 minutes late to a meeting. I ran to the director's office, but she was gone. I ran to my manager's office. She too was gone. I ran back to my desk. The subject for the meeting stated CHAT. I sent the director an email and asked her where she was? What did she want to chat about? She stated that her and Melody have left the building and asked me why was I late? I explained to her what happen. I asked could we rescheduled. She didn't responded. I didn't know what to do, I was under so much stress and sufferings. I peeked in her office the next day, but she wasn't at her desk. I thought she was so angry, maybe I should just leave it alone. After all the subject stated CHAT.

My new manager, Melody Williams, was harassing me on a weekly bases. She would called me into her office expectantly, blindsided. When I get there, there would be another manager from a different department in the meeting. She would proceed to reprimand and humiliate me in front of the other manager. Every week she would call me in, pull out her personal date planner and let me have. For a while I endure these bashing without complaint. As a black female I was use to these kinds of treatments whenever I worked for a new manager. I knew that I had to prove to them that I was competent and within a few weeks everything would be fined. I actually had a former manager (Ruth Cook) tell me before she retired, that when she became manager over our area that her first objective was to fire me. She said "I thought you didn't do any work", of course working in a predominantly male environment didn't help much. The guys were always giving me such a hard time, but they didn't mean any harm by it. But she said "You work so hard and you care so much about your job". I thanked her and even spoke at her retirement party.

After one of these harassing meeting, I met Jan (one of the other manager in the meeting) in the hall. I told her "Jan, I'm not a bad employee". She grab me by the hand and pulled me into her office. She gave

me a big hug. I wanted to breakdown and cry right then and there. But that wouldn't be very professional. She told me to try and not be too passionate about my job. I thank her.

As I stated, I was told due to the layoff I would now be expected to work in both areas, Project Development and Production/Testcycle support. We were low on work in Production/Testcycle support, but that was the way it was. Some weeks would be slow and then some weeks would be crazy. I was the only person in our area required to do work in both departments. Within a few days my TeamLead informed me that I would be given a project and I was to attend a meeting at the SA desk. This meeting was scheduled around 4:00pm. Meetings, prior to my new manager and Teamlead were rare for me. The only meetings I ever had to attend were the ones I scheduled. I had never worked in the Project Development area before. Yet, I was expected to perform and to know all the procedures and expectations. At the meeting I was given the specs to change 10 programs. I was told to sign a document stating that I understood what the changes were. The next day when I arrived to work, there was a paper on my chair. It was a Project Plan document. I called Michele-Lee and to ask her what was this document. She stated that it was something she uses to determine where we are in the project. I stated "Oh so this is for your use?" she said "yes". However, 3 days later I was told I was behind on the project. I told her I was working on it constantly so how was I behind? She stated that according to her Project Plan, I was supposed to have program "A", "B" and "C" tested and in system by now. I was so upset. I looked at the plan. Someone had placed all of the programs in alphabetical order and assigned a date to have one program changed, tested, signed-off and moved to system each day. This project was assigned 100 (under the same code P55520). There were 10 programs. I was to work 10 hours each day to complete one program, to have it tested, signed-off and moved to systems. I asked her, who does that? Why would I work like this? Did you take into consideration that one program calls 2 other programs and therefore it would be better to test them as a unit? Why was I working 10 hour days? How was this created? Teamleads are not technical, so how can she tell me technically what and how to perform my task. She told me that she puts all the information in a project spreadsheet and it creates a report for her. Never-the-less, I performed each task as given based on her document. I worked 10 hour days to complete these stressful demands. I received emails from Michele-Lee and Melody about the great job I did. However after that they stopped the using of the Project Plan document.

As you can see the last 6 months of my employment with BCBSC was a living nightmare. If I told it I would be writing a book about my last 6 months.

However, once I was terminated I never imagined that my right to obtain unemployment would be so violated. I was expected to understand the hearing process. I was expected to obtain copies of documents and deliver them, to know and understand what the entire hearing process and what it would cover. The letter stated that I was terminated due to failure to attend a meeting. I thought that they would have to prove this. I attended the meeting, I was late to the meeting. I couldn't attend the meeting because Cindy and Melody, purposely left the building, so that I couldn't attend.

Yet, it all boiled down to the personal opinion of a person (who I assumed is not a lawyer) as to whether or not I desire or am worthy to receive my benefits. I actually had a person of DEW tell me "Well for some reason they must have thought it was not entirely your fault because they only penalized you for 17 weeks". How is this possible?

Yet, the decisions made in these hearings violate their own bylaws. Based on SECTION 41-35-120 2(a)(b) Disqualification for benefits: .... For the purposes of this item, "misconduct" is limited to conduct

evinced such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance..... Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under either subitem (a) or (b) of this item.

"Minimum Disqualification Period Section 41-35-120(2) of the S.C. Code of Laws states that a person who is found ineligible for benefits must be disqualified for a minimum of five weeks. DEW has developed internal guidelines setting the minimum disqualification for most terminations for cause at ten weeks. These include infractions such as fighting on the job (16 weeks), sleeping on the job (10 weeks), and violation of company policy (10 weeks). However, the guidelines do not contain specific instructions for how they are to be used. In addition, we found that DEW was not adhering to the guidelines in all cases."

Based on their own internal guidelines above, which states that fighting on the job is 16 weeks, sleeping on the job 10 weeks and violation of company policy 10 weeks, are all below the sentencing which I was given. Yet, my actions were based on integrity for quality work and commitment to my customer to assure they had a stable working environment. 18 years of work ethics. None of my actions violated company policy.

I'm requesting that my request for unemployment benefits be reviewed by this administration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gail T Nealy", written in a cursive style.

Gail T Nealy

PS: I apologized for the length of this letter. However, I felt that the need to be detail was essential. I hope that I'm not judge as being petty and complaining. I am a strong, spirited survivor. I know how not to whine about my problems, but to work hard to overcome them. I raise 5 girls on my own. Obtained 3 degree to be able to provide for my family. 4 years from retiring, she took all of that away from me. At the hearing you can actually hear her laughing in on the phone. Again, I don't deserve this.

**SECTION 41-35-120. Disqualification for benefits.**

An insured worker is ineligible for benefits for:

(1) Leaving work voluntarily. If the department finds he left voluntarily, without good cause, his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim.

(2)(a) Discharge for misconduct connected with the employment. If the department finds that he has been discharged for misconduct connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, with ineligibility beginning with the effective date of the request, and continuing for the next twenty weeks, in addition to the waiting period, with a corresponding and mandatory reduction of the insured worker's benefits to be calculated by multiplying his weekly benefit amount by twenty. For the purposes of this item, "misconduct" is limited to conduct evincing such wilful and wanton disregard of an employer's interests as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee, or in the carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of the employer's interest or of the employee's duties and obligations to his employer. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance.

(b) If the department finds that he has been discharged for cause, other than misconduct as defined in item (2)(a), connected with his most recent work prior to filing a request for determination of insured status or a request for initiation of a claim series within an established benefit year, then the department must find him partially ineligible. The ineligibility must begin with the effective date of the request, and continuing not less than five nor more than the next nineteen weeks, in addition to the waiting period. A corresponding and mandatory reduction of the insured worker's benefits, to be calculated by multiplying his weekly benefit amount by the number of weeks of his disqualification, must be made. The ineligibility period must be determined by the department in each case according to the seriousness of the cause for discharge. Discharge resulting from substandard performance due to inefficiency, inability, or incapacity shall not serve as a basis for disqualification under either subitem (a) or (b) of this item.

(3)(a) Discharge for illegal drug use, and is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the department that he has performed services in employment as defined by Chapters 27 through 41 of this title and earned wages for those services equal to at least eight times the weekly benefit amount of his claim if the:

(i) company has communicated a policy prohibiting the illegal use of drugs, the violation of which may result in termination; and

(ii) insured worker fails or refuses to provide a specimen pursuant to a request from the employer, or otherwise fails or refuses to cooperate by providing an adulterated specimen; or

(iii) insured worker provides a blood, hair, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified by the National Institute on Drug Abuse, the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by the National Institute on Drug Abuse;





BlueCross BlueShield of South Carolina  
1-20 at Alpine Road  
Columbia, SC 29219-0001  
803.783.0222

SouthCarolinaBlues.com

March 18, 2015

Ms. Gail Nealy  
1842 Cheltenham Lane  
Columbia, SC 29223

Dear Ms. Nealy:

You exhibited inappropriate job behavior which violates our Corporate Policy 65205 – Personal Conduct. Therefore, this is to inform you that your employment with BlueCross BlueShield of South Carolina is being terminated effective March 18, 2015.

Your healthcare coverage will continue until March 31, 2015 and your life insurance coverage will end March 18, 2015. Your final pay (with applicable deductions) will be mailed to your home address no later than April 2, 2015.

If you have any questions regarding final pay or benefits, please contact the Human Resources Support Center at (803) 264-6654.

Sincerely,

A handwritten signature in cursive script that reads "Melody Williams".

Melody Williams  
Manager, Commercial Claims and Membership

cc: Personnel File

## 65205 - Personal Conduct

**POLICY STATEMENT:**

Employees are expected to be professional and to conduct themselves with personal maturity and integrity in every aspect of their professional lives. Responsibility, good judgment, loyalty, a positive attitude towards work, fellow employees and the company, as well as superior service to customers, are expected. Policy violations are subject to disciplinary action up to and including termination.

**RULES:****1. The Medical Code of Ethics**

Employees of our company are bound by the medical code of ethics, and by statutory law, to strict confidentiality in every aspect of their work with patients' and company employees' claims and records, including the company's administration of Medicare and TRICARE for the federal government.

NOTE: Strict confidentiality and privacy extends to the handling or electronic accessing of records, systems and documents in nearly every area of our internal and external business. Employees are required to read, understand and sign statements concerning this most important aspect of their job.

**2. Conflict of Interest**

Employees of BlueCross BlueShield of South Carolina may not engage in any outside business, financial activity or investment that conflicts with the interests of the company or which interferes with the performance of the job.

**3. Gifts**

Employees should act with extreme care when providing federal employees or Blue Cross and Blue Shield Association employees with gifts, or employees receiving from BlueCross BlueShield of South Carolina subcontractors anything of value, as these items may be considered illegal gratuities or kickbacks. Federal laws impose significant penalties on both companies and individuals who offer or provide illegal gratuities or receive illegal kickbacks, including civil and criminal fines and/or incarceration.

**a. Giving Gifts**

No employee may offer or make a gift to a federal employee or Blue Cross and Blue Shield Association employee. There are some exceptions to this rule, so employees with questions should contact their manager. In no event should money be offered or given to a federal employee or Blue Cross and Blue Shield Association employee.

**b. Receiving Gifts**

Acceptance of kickbacks from a BlueCross BlueShield of South Carolina supplier, vendor or subcontractor is prohibited. In no event should money be accepted by an employee.

**4. Personal Behavior**

Employees are expected to display the highest standards of ethics and personal integrity and to treat fellow employees and customers with consideration and dignity. Abusive, harassing,

demeaning, profane, obscene or threatening behavior or language will not be tolerated.

## 5. Anti-Harassment

Behavior that creates a hostile working environment and unwelcomed and offensive actions or language that harass, demean or otherwise abuse an employee will not be tolerated regardless of whether the behavior takes place while on duty or while on non-work time. Harassing behavior will not be tolerated regardless of where the behavior takes place. This includes work or personal email, instant messaging, texting and social networking Internet sites. Such behavior may result in disciplinary action up to and including termination for the first offense, depending upon the severity of the offense.

Abuse or harassment is serious. Those who experience such behavior should inform the offender that such behavior is unwelcome and objectionable. They should also report the incident to management or Human Resources. Members of management who receive such a report, witness harassment or learn of it through some other means must report the matter to Human Resources immediately.

BlueCross BlueShield of South Carolina cannot respond to harassment complaints of which it is unaware. Nor can the company respond to mere rumors. Thus, it is imperative that victims of harassment promptly file a complaint with Human Resources.

Human Resources will conduct a prompt and thorough investigation in as confidential a manner as feasible and will assure appropriate disciplinary action is taken if the allegation is substantiated.

The company forbids retaliation against anyone for reporting **harassment**, assisting in making a **harassment** complaint or cooperating in a **harassment** investigation.

Since confusion exists as to what sexual harassment is, additional information follows on this form of harassment. Sexual harassment is defined to include:

- a. Requests for sexual favors.
- b. Unwelcome physical contact.
- c. Sexually explicit language or gestures.
- d. Uninvited or unwanted sexual advances, including suggestive comments.
- e. Sexual innuendos or sexually oriented "kidding" or "teasing."
- f. An offensive overall environment, including the use of vulgar language, the presence of sexually explicit photographs or other materials and the telling of sexual stories or jokes.
- g. "Sexting" (sending sexually explicit or suggestive text or picture messaging).

Sexual harassment can come from superiors, fellow employees or customers. Men as well as women can be victims of sexual harassment, and sexual harassment can be directed to a person of the same gender as well as one of the opposite gender. BlueCross cannot stress enough that it will not tolerate any form of sexual harassment. BlueCross will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance,

that creates an intimidating, hostile or offensive working environment or otherwise is harassing.

## **6. Solicitation – Canvassing**

6.1 Solicitation and distribution of literature by non-employees in working areas or during working time is prohibited.

6.2 Except where otherwise prohibited by law, non-employees must secure approval from the Vice President of Human Resources before soliciting or distributing literature in non-working areas during non-work time. Such approval may be conditioned or denied as permitted by law.

6.3 Solicitation by employees is prohibited when the person soliciting or the person being solicited is on working time.

6.4 Distribution of literature by employees on company property in non-working areas during working time is prohibited.

6.5 Distribution of literature by employees on company property in working areas is prohibited.

6.6 Working time is the time an employee is expected to be working for the company. It does not include rest periods, meal periods, or other authorized breaks, whether paid or unpaid.

6.7 Working areas are areas where work is regularly performed. It includes aisle ways, file rooms, conference rooms, computer rooms, testing rooms and work rooms, but does not include canteens, restrooms, employee parking lots, and other company grounds where work is not regularly performed.

## **7. Theft/Fraud**

Employees who become aware of theft/fraud within the company must report the theft/fraud to Corporate Audit or Human Resources. Theft and fraud and the failure to report theft/fraud may result in disciplinary action up to and including termination for the first offense. The Corporation reserves the right to get local authorities involved in any matter involving theft or fraud.

## **8. Suspension**

Management may suspend an employee when it is desirable to remove him or her from the work area to allow tempers or a volatile situation to calm down, pending completion of an investigation or pending a final decision as to the appropriate disciplinary action. Suspension may also be appropriate as punishment for serious infractions, with prior concurrence of Human Resources. Management must submit the payroll-suspension email form via Microsoft Outlook no later than the close of business of the first day of suspension.

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## **9. Bulletin Boards**

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9.1 The Human Resources division must approve all items posted on company bulletin boards.

9.2 Items permitted on the bulletin board are personal articles for sale and discount program notices.

9.3 Prohibited items are meeting notices, commercial advertising, business cards that are not for employee services and other similar things.

9.4 All materials placed on the bulletin board will be stamped and dated with the Human Resources stamp. Materials that are two weeks old will be removed.

## **10. Abuse of Equipment, Mail and Telephones**

10.1 Company telephones are not to be used for personal phone calls except for emergencies and very important matters that can be handled quickly. Use courtesy phones or personal cellular phones during lunch and breaks for personal calls. Personal cellular phones are not to be used in the work areas. Family and friends should limit calls to employees to those that are absolutely essential. No personal long-distance calls should be made at anytime from company telephones.

10.2 Employees should not use the company address or postage for personal mail. Employees who abuse the mail and/or telephone policy will be subject to disciplinary action.

- a. Employee personal mail sent to the company address will be processed as regular mail, which means it will be subject to opening by the mail processing area.

10.3 Abuse of company equipment and/or supplies will be subject to disciplinary action.

10.4 Electronic mail (email) communication is considered a corporate asset and resource, not a personal asset. Electronic mail can be monitored by authorized individuals to ensure that corporate guidelines are being followed.

10.4.1 The monitoring of email may take place periodically to ensure all guidelines are being followed. Management, for appropriate reasons, can request through Human Resources that an employee's email account be reviewed or monitored. All such requests must be approved by the vice president of Human Resources or the vice president of Corporate Audit/Compliance. In addition, the vice president of Government Programs Compliance may approve monitoring of any government programs employee's email account.

10.4.2 Emails that contain subscriber's health care information should be treated with the same care for confidentiality and privacy as any paper document containing such information. Emails containing a subscriber's health care information should not be sent to individuals who do not have a need to access such information.

10.4.3 Employees should not disclose their computer passwords to management or coworkers.

The information within an employee's email account is and will remain private. Indiscriminate browsing or tampering by an employee is unauthorized.

10.4.4 The use of surrogate users on email accounts is strongly discouraged at BlueCross. Employees are not required to delegate a surrogate user unless it is for calendar events only. Surrogate users should not be assigned for inbasket/outbasket mail privileges.

10.4.5 Upon termination, employees have no right to the contents of their electronic mail.

10.4.6 Documents retained on email should be disposed of under the same guidelines as paper document retention.

10.4.7 Email communications with outside parties are possible via Internet. Should there be a need to communicate with outside parties using email via the Internet, please remember that the Internet is **not** a secure environment. Confidential or proprietary information sent via the Internet must be sent through a secure server.

10.4.8 Appropriate business judgment must be used with email and employees should not abuse this privilege. Misuse of this system is subject to normal disciplinary action, up to and including termination.

10.5 Fax. Employees should not use the company facsimile machine (FAX) for personal use. The company fax machine is for business use only. Employees who abuse the use of the fax will be subject to disciplinary action.

10.6 Communications Decency Act. The Federal Communications Decency Act (CDA) makes it a federal crime to use any telecommunications equipment — not just the telephone but also faxes and emails — in ways designed to harass or annoy another party. Corporate policy and the CDA specifically prohibit:

- a. Using telecommunications equipment to send a comment, request, proposal or image that is obscene, lewd, indecent or lascivious.
- b. Knowingly sending obscene images, communications, requests, etc., to a minor.
- c. Using any telecommunications device (including faxes and email messages) to anonymously contact an individual with the intent to threaten, annoy, harass or abuse the party who is contacted.
- d. Repeatedly calling an individual and hanging up (or letting the phone ring indefinitely) with the intent to harass the person receiving the call.
- e. Repeatedly using telecommunications equipment to contact another individual solely to harass that person.

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Violations are subject to disciplinary action up to and including termination.

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## 11. Telephone Monitoring

It is important that BlueCross BlueShield of South Carolina be able to monitor or record telephone calls to ensure quality customer service compliance with relevant laws and company policies. As a result, each company telephone is subject to being recorded or monitored by area management or by Corporate Audit at any time. Because of the technological limits of our systems, all calls, whether personal or business, on certain telephone extensions may be recorded or monitored.

**An employee's use of a company telephone or other communication device constitutes that employee's consent to the recording of all or any part of any conversation or other communications occurring on the phone or other device.**

Employees, other than those authorized by company policy or by the area vice president and Corporate Audit, may not record or monitor meetings or other conversations between employees or with customers without the knowledge and consent of all participants.

## **12. Food and Drink in Work Areas**

12.1 Food and drink is allowed in all work areas at the discretion of the management of the area provided it will not interfere with the work. This privilege will be rescinded if the area is not kept clean — i.e., cups in trash, utensils returned, proper storage of condiments/food to discourage insect infestation, minimal and infrequent spills and damage. Damage and cleanup costs will be charged to the responsible cost center.

12.2 Lids will be provided for cups and all beverages must remain covered while being carried to the work area.

12.3 Catering. Full-service catering for special groups and/or meetings is available when scheduled and approved in advance by completing the Visitor/Meeting Registration form.

## **13. Weapons**

Employees shall not bring weapons into any BlueCross BlueShield of South Carolina facility.

## **14. Off-Duty Employees**

Off-duty employees should not visit any working area during their off-duty hours (except that an employee may report for work a reasonable time in advance of the start of one's scheduled work time).

## **15. Inspection of Work Areas**

Area management or Corporate Audit may periodically inspect employee work areas. Management must have the employee's consent to inspect personal belongings such as briefcase, purse or pocket contents.

## **16. Driving on Company Business**

### **16.1 Definitions:**

“Drive” or “Driving” means operating a motor vehicle on an active roadway with the motor running. This does not include when a vehicle has been pulled over to the side of or off of an active roadway.

“Text Messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, emailing, instant messaging, getting navigational information or engaging in any other form of electronic data retrieval or electronic data communications. This does not include glancing at or listening to a navigational device provided that the destination and route are programmed before driving or while stopped in a location off of the roadway.

16.2 Employees shall not engage in text messaging while driving on company business or when otherwise performing work for or on behalf of the company while driving.

16.3 When on company business or performing company business, employees shall not drive a vehicle while impaired by alcohol, any illegal substance or any other mind-altering medication or substance.

16.4 Employees are required to use a “hands free” device to talk on a telephone while driving on company business or when performing business for or on behalf of the company while driving.

(Clarification April 23, 2013) (Amended May 9, 2012)



## SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE

P.O Box 995, Columbia, SC 29202

## NOTICE OF APPEAL HEARING BY TELEPHONE

CLAIMANT'S NAME: GAIL T. NEALY  
 ADDRESS: 1842 CHELTENHAM LN  
 COLUMBIA, SC 29223 3960

SOCIAL SECURITY NO: 096-50-1180  
 PHONE: (803) 422-3452

EMPLOYER'S NAME: BLUE CROSS BLUE SHIELD OF SC  
 ADDRESS: 120 E AT ALPINE RD AX 100  
 COLUMBIA SC 29219

PHONE: (803) 788-0222

**HEARING DATE:** 4/29/15 **AT 10:15 AM EST BEFORE:** Emily Huth, Administrative Hearing Officer, for the South Carolina Department of Employment and Workforce will conduct this hearing by means of a Telephone Conference. The parties will be called by the Administrative hearing officer at the telephone numbers shown on this form. **IF NO TELEPHONE NUMBER IS SHOWN OR THE NUMBER IS INCORRECT, YOU MUST CALL THIS TOLL FREE NUMBER (866) 269-5680 IMMEDIATELY TO INFORM US OF YOUR NUMBER SO THAT WE MAY INCLUDE YOU IN THE HEARING.**

If you have not been called within 10 minutes after the scheduled time of the hearing, you must call (803) 737-2515. Either another hearing is still in progress, or we are unable to contact you. Failure to call or participate in the hearing may result in your interests being considered abandoned.

THE HEARING WILL NOT BE POSTPONED EXCEPT FOR AN EMERGENCY. Contact a representative of the Agency at (803) 737-2520, AT ONCE, if you cannot be present at the time scheduled and wish to request a postponement of the hearing. Also, if you require any special needs, such as an interpreter, please contact us prior to the hearing.

**ISSUES**

<input checked="" type="checkbox"/> Voluntary Quit (for good cause)	_____	Voluntary Retirement	_____	Timeliness of Appeal
<input checked="" type="checkbox"/> Discharge (for disqualifying cause)	_____	Absence from Hearing	_____	Fraud & Overpayment
_____ Availability	_____	Overpayment	_____	Job Offer & Referral
_____ Eligibility	_____	Other	_____	

**EVIDENCE:** This hearing is your only chance to testify and present evidence. Sworn testimony is required from witnesses with first-hand knowledge. Any documents that you want to be considered in this hearing must be mailed forwarded immediately to Appeals Tribunal at the address shown on the top of this notice or faxed to our number (803) 737-0287. Only documents, such as business records (for example: timesheets, employer's policies or handbook, warnings) can be considered. In addition to the copy sent to the Appeals Tribunal, you must mail or fax copies to the opposing party. No testimony or evidence will be considered from witnesses who are not present. Documents sent to another address or fax number may not be considered.

**SUBPOENAS:** If a witness is reluctant to appear, you may apply for a subpoena through the Agency's local office or the Appeal Tribunal at (803) 737-2520.

**LEGAL REPRESENTATION:** An attorney licensed to practice in South Carolina may represent you. It is your responsibility to obtain representation prior to the hearing. Fees charged to represent claimants are limited by the Agency.

**BENEFITS:** A CLAIMANT SHOULD CONTINUE TO FILE FOR BENEFITS DURING THE APPEAL PROCESS. Weeks not claimed cannot be paid, even if the claimant is held eligible.

**THIS NOTICE SUPERSEDES ANY PREVIOUS HEARING NOTICE YOU MAY HAVE RECEIVED. IF THE DATE ON THIS NOTICE IS LATER THAN THE DATE ON ANY OTHER NOTICE, YOU SHOULD ASSUME THAT THE PREVIOUS HEARING HAS BEEN POSTPONED AND FOLLOW THE INSTRUCTIONS ON THIS NOTICE.**

MAILING DATE: 04/15/15

GENERAL INFORMATION ON THE SOUTH CAROLINA CODE IS ATTACHED TO THIS NOTICE

Cc: ☒-Claimant ☐-Sep Emp ☒-File ☒-Liable Emp ☐-Local Office ☐-Claimant's Atty ☐-Emp's Atty ☐-UI Tech ☒-Imaging

**SOUTH CAROLINA DEPARTMENT OF EMPLOYMENT AND WORKFORCE**  
Columbia, South Carolina

**IN THE MATTER OF THE CLAIM OF:**

Gail T. Nealy )  
 1842 Cheltenham Lane )  
 Columbia, SC 29223 )  
 Claimant SSN: XXX-XX-1180 )  
 Blue Cross Blue Shield of SC )  
 I-20 East at Alpine Road, AX 100 )  
 Columbia, SC 29219 )  
 Liable Employer )  
 \_\_\_\_\_ )

**APPELLATE PANEL**  
**DECISION**

Appellant: Claimant

The claimant appealed Appeal Tribunal Decision 2015-A-4594 to the Appellate Panel. The Tribunal held the claimant disqualified from benefits upon finding she was discharged for cause. This decision modified the claims adjudicator's determination.

The claimant's appeal was untimely on its face. The Appellate Panel remanded this case to the Appeal Tribunal to conduct a hearing regarding the timeliness of the claimant's appeal. That has been accomplished, and the matter is again before the Appellate Panel for review and decision.

**DECISION TO DISMISS**

The claimant's appeal to the Appellate Panel is dismissed as untimely, and Appeal Tribunal Decision 2015-A-4594 is final. The claimant remains disqualified from benefits for seventeen (17) weeks, effective March 15, 2015, to July 11, 2015.

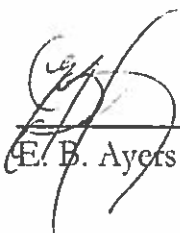
The Department mailed Appeal Tribunal Decision 2015-A-4594 to the claimant's address of record on May 1, 2015. The decision contained instructions for filing an appeal and a clear and specific notice that it would be final unless appealed within ten (10) calendar days, including weekends and holidays, from the mailing date of the decision. ~~The appeal period expired on May 12, 2015. The claimant received the~~ decision at her address of record on May 5, 2015. She read the decision and the appeal rights, but misunderstood the appeal instructions. She believed that if she filed an appeal to the Appellate Panel her disqualification would be increased. The claimant

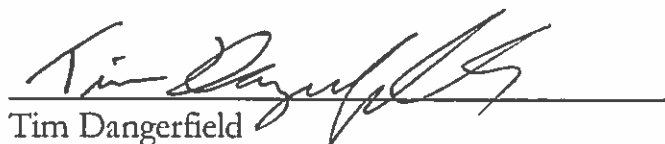
took no action on her appeal until after her disqualification ended. After the disqualification ended, the claimant believed she would receive a full benefit year of benefits. When she learned she was not entitled to receive a full benefit year because of the disqualification, she inquired about her appeal rights and submitted her appeal. The claimant did not appeal until July 27, 2015.

S.C. Code Ann. § 41-35-680 requires that an Appeal Tribunal decision is final unless the decision is appealed to the Appellate Panel within ten (10) days of the decision's mailing date. S.C. Code Regs. § 47-52 requires that appeals to the Appellate Panel must be filed within ten (10) days from the mailing date of the Appeal Tribunal decision.

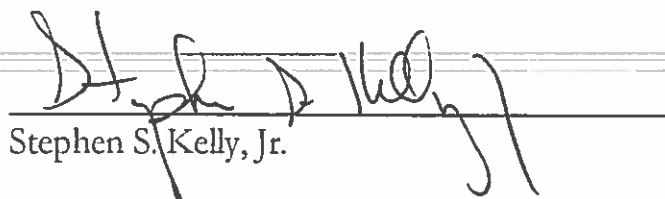
The Department mailed the Appeal Tribunal decision to the claimant's address of record on May 1, 2015. The deadline to file an appeal was May 11, 2015. The claimant appealed on July 27, 2015, over two months after the appeal period expired. The Department has no authority to extend the appeal time limit unless the delay was caused by Department or Postal error, and we find no such error. The claimant filed an untimely appeal due to the claimant's own error or neglect in failing to carefully read and understand her appeal rights. The Appellate Panel lacks jurisdiction over the appeal. Therefore, the appeal is dismissed as untimely, and the Appeal Tribunal decision is final as a matter of law.

**SOUTH CAROLINA DEPARTMENT OF  
EMPLOYMENT AND WORKFORCE**

  
\_\_\_\_\_  
E. B. Ayers

  
\_\_\_\_\_  
Tim Dangerfield

Review Date: 09/08/15  
Date Mailed: 09/08/15  
Mailed By: AG

  
\_\_\_\_\_  
Stephen S. Kelly, Jr.

SOUTH CAROLINA  
DEPARTMENT OF EMPLOYMENT AND WORKFORCE

**DECISION OF APPEAL TRIBUNAL**

Hearing Date: April 29, 2015

GAIL T. NEALY  
1842 CHELTENHAM LN  
COLUMBIA, SC 29223 3960

CLAIMANT

BLUE CROSS BLUE SHIELD OF SC  
120 E AT ALPINE RD AX 100  
COLUMBIA, SC 29219

EMPLOYER

APPELLANT: Claimant

SS NO: 096-50-1180

APPEARANCES

FOR THE  
CLAIMANT: Present

FOR THE  
EMPLOYER: Three Witnesses

FINDINGS OF FACT

The issue in this case is whether the claimant was discharged for misconduct or cause connected with the employment.

The claimant appealed the determination mailed March 31, 2015 which held her disqualified twenty (20) weeks and twenty (20) times the weekly benefit amount, from March 15, 2015 through August 1, 2015, upon finding she was discharged for misconduct connected with the employment.

The claimant worked with the employer from September 9, 1996 to March 18, 2015 most recently as a senior application programmer analyst. She was discharged from employment following multiple incidents and written warnings. On October 31, 2014 the claimant was issued a written warning after she improperly handled a call that resulted in costs to the customer and the business to correct. On February 6, 2015 the claimant was scheduled to attend three meetings. She arrived late to each meeting, which was disruptive to the group, and failed to silence her phone in one meeting allowing it to ring multiple times. Her manager warned her via email this behavior was not acceptable. On February 10, 2015 the claimant was issued a written warning in regards to unauthorized activity on a customer account. Shortly thereafter the claimant was directed by her manager to log just 8 hours on a specific project. The claimant logged 13 hours despite the explicit directive to only log 8 hours. A meeting invitation was sent to the claimant via email on March 5, 2015 from the director of her department to meet later that day. As the claimant had previously set her email to automatically accept all meeting invites, she did not notice this meeting had been arranged. The claimant saw a reminder on her computer approximately 10 minutes after the scheduled meeting time. By the time she arrived at her director's office, no one was there. The director and the claimant's manager had been waiting for the claimant and when she had not arrived after 10 minutes, they left. The claimant subsequently emailed the director to reschedule, while questioning the reason for the meeting in the first place. The meeting had been scheduled to discuss the claimant's 13 logged hours from the project cited, but given her failure to attend the meeting on time and the previous warnings issued, the decision to terminate employment was made.

~~The claimant maintains her department was going through changes and the warnings issued resulted from simple misunderstandings in regards to the way she had been working previously and how she was expected to work upon this change.~~

### REASONS

S.C. Code Ann. §41-35-120(2)(a) requires disqualification from benefits for twenty (20) weeks, with a corresponding monetary reduction, when the Department finds that a claimant has been discharged for misconduct connected with the employment. "Misconduct" includes deliberate violations or disregard of the standards of behavior which an employer has the right to expect of his employee, and carelessness or negligence of such a degree or frequency as to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his employer.

S.C. Code Ann. §41-27-20 requires that unemployment benefits to be set aside for persons unemployed through no fault of their own.

S.C. Code Ann. §41-35-120(2)(b) requires disqualification from benefits for five (5) to nineteen (19) weeks, with a corresponding monetary reduction, when the Department finds that a claimant has been discharged for cause, other than misconduct, connected with the employment. "Cause" may include an unintentional disregard for the standards of behavior the employer can rightfully expect of his employee or the negligence of an employee that does not rise to the level of misconduct.

The claimant is at fault for her separation from employment. An employer has the right to expect its employees adhere to directives from management, and discipline those who do not. Despite adequate warning, the claimant most recently failed to follow the directive from her manager to log just 8 hours on a project then failed to attend a meeting she indicated an accepted invitation to. These actions demonstrate a disregard for that standard of behavior the employer can rightfully expect of its employee, consistent with cause as defined under the law. Although the claimant is responsible for checking her calendar regularly especially after changing her email settings to accept all meeting invites, her failure to attend the meeting on March 5, 2015 was not intentional and thus does not rise to the level of misconduct. Therefore, the Tribunal finds the claimant was discharged from employment for cause, and an appropriate disqualification is imposed.

### DECISION

The Tribunal holds the claimant disqualified from receiving benefits seventeen (17) weeks and seventeen (17) times the weekly benefit amount, from March 15, 2015 through July 11, 2015, upon finding she was discharged for cause connected with the employment. This decision modifies the determination mailed March 31, 2015.


This will be the final decision of the Agency, unless you file an appeal to the Appellate Panel setting forth in detail the grounds for appeal within ten (10) calendar days, including weekends and holidays, from the mailing date of this decision. If the tenth day falls on a Saturday, Sunday or holiday, the appeal period is extended to the next business day. Your appeal may be filed by mail addressed to "Appellate Panel, Post Office Box 1752, Columbia, South Carolina, 29202", or by fax at 803.737.3166. For additional information on filing an appeal, visit our web site at [www.dew.sc.gov/appeals.asp](http://www.dew.sc.gov/appeals.asp).



Emily Huth  
Administrative Hearing Officer

EH: ect.

Decision Mailed: 05/01/15

Mailed on the above Date By: 

## - INFORMATION -

### On Claims Against the State of South Carolina

**VOLUNTARY QUIT:** Section 41-35-120(1) provides that a claimant found to have left work voluntarily without good cause is disqualified from receiving benefits until they return to work and earn at least eight (8) times their weekly benefit amount. Good cause is a reason that is connected to employment and would justify a reasonable person leaving employment. The burden is on the claimant to show good cause.

**DISCHARGE FOR MISCONDUCT:** Section 41-35-120(2)(a) provides that a claimant found to have been discharged for misconduct is disqualified for twenty (20) weeks. "Misconduct" includes conduct showing willful disregard of an employer's interests, such as is found in deliberate violations or disregard of standards of behavior which the employer has the right to expect of his employee. No finding of misconduct may be made for discharge resulting from an extreme hardship, emergency, sickness, or other extraordinary circumstance. Generally, the burden is on the employer to show misconduct.

**DISCHARGE FOR CAUSE:** Section 41-35-120(2)(b) provides that a claimant found to have been discharged for cause (i.e., fault), other than misconduct, is partially disqualified from benefits from five (5) to nineteen (19) weeks, according to the seriousness of the cause for discharge. Generally, the burden is on the employer to show cause.

**GROSS MISCONDUCT:** Section 41-35-120(4) provides if a claimant is discharged for gross misconduct claimant is ineligible for benefits beginning with the effective date of the request and continuing until he has secured employment and shows to the satisfaction of the Department that he has performed services in employment and earned wages for those services equal to at least eight times the weekly benefit amount.

**AVAILABILITY:** Section 41-35-110 provides that a claimant is eligible for benefits for any week only if the week is claimed according to the regulations and the claimant has registered and continued to report to an employment office for work as required. Additionally, a claimant must be physically "able to work" at his usual occupation which prior training and experience shows him to be qualified. Also, a claimant must be "available for work," which means being ready, able and willing to accept suitable work, and that personal circumstances would not prevent him from accepting such work.

Unemployment benefits will not be paid for weeks in which the claimant is held to be unavailable. If the condition which cause the unavailability changes, the claimant may report to the local office to reopen his claim. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

**JOB OFFER AND REFERRAL:** Section 41-35-120(5) provides that any claimant who has failed (1) without good cause to either apply for available suitable work, when so directed by the Department, or (2) to accept available suitable work when offered by the Department or an employer, shall be ineligible until the claimant furnishes satisfactory evidence of having been reemployed and having earned at least eight (8) times the weekly benefit amount. The burden is on the claimant to show availability for work and reasonable effort to obtain work.

**TIMELINESS OF APPEAL:** Sections 41-35-660 and 41-35-680 provide that an appeal must be filed not later than ten (10) calendar days, including weekends and holidays, from the mailing date shown. If the tenth (10th) day falls on a Saturday, Sunday, or holiday, the appeal period is extended to the next business day. The burden is on the appellant to show the appeal is timely.

**BE SURE TO KEEP IN TOUCH WITH YOUR LOCAL WORKFORCE CENTER AT ALL TIMES.**

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South Carolina

This document is the property of BlueCross of South Carolina. It is to be used only for the purpose for which it was designed. Any other use is prohibited.

## EMPLOYEE CORRECTIVE ACTION REPORT

BlueCross BlueShield of South Carolina & Subsidiaries

<b>Employee Name:</b> Gail Nealy	<b>Emp ID:</b> H409	<b>Div/CC:</b> 44/840	<b>Job Title:</b> Senior Programmer A	<b>Date:</b> 02/10/2015
<b>Supervisor Name:</b> Melody Williams	<b>Emp ID:</b> J168	<b>Department Name:</b> Commercial Systems (Settlement)		

For 90 days following administration of Probation or Indefinite Probation, the employee is prohibited from receiving pay increases, participating in Education Assistance or applying for jobs. Incentive pay may be prohibited based upon plan specifications.

Offense (Choose one)	<input type="checkbox"/> Attendance	<input type="checkbox"/> Poor Work Performance	<input checked="" type="checkbox"/> Violation of Work Rules
<b>Corrective Action</b>	<input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Probation	<input type="checkbox"/> Verbal <input type="checkbox"/> Written <input type="checkbox"/> Probation	<input type="checkbox"/> Indefinite Written (This same or similar offense should never happen again.)  <input checked="" type="checkbox"/> Indefinite Probation (This same or similar offense should never happen again.)
	1. Has the employee previously been counseled for the same or similar reason? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Has the employee received a Corrective Action Report for the same or similar reason? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Indicate corrective action(s) and Date(s) administered. Verbal Date: _____ Date: _____ Written Date: _____ Date: _____ Probation Date: _____ Date: _____	1. Has the employee previously been counseled for the same or similar reason? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Has the employee received a Corrective Action Report for the same or similar reason? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Indicate corrective action(s) and Date(s) administered. Verbal Date: _____ Date: _____ Written Date: _____ Date: _____ Probation Date: _____ Date: _____	<b>Special Circumstance Action</b> <input type="checkbox"/> Indefinite Probation <input type="checkbox"/> Received 2 Writtens for same or similar offense within the 12-month period <input type="checkbox"/> Received 3 Writtens for different offenses within the 12-month period <input type="checkbox"/> Suspension
	<b>Facts or Events (Use Continuation Sheet if needed)</b>  Over the last several weeks, while working on system support issues, you discovered an ABEND in DVM. Rather than following normal process, you made the decision to research the ABEND, logging 16 billable hours into ETKS, without communicating to your Team Lead or Manager.  Also during this time, your Team Lead sent you several email and voicemail requests asking about your workload and inventory, which you ignored and failed to respond to. Had you responded leadership would have been aware and either stopped or authorized the time. When asked, you told your manager that you did not tell team lead or manager because you knew they would question and not authorize, although you thought research was needed.		

<b>Improvement Required</b>	(Explain ongoing expectations.) You must demonstrate careful and approved use of allocated hours to prevent abuse of our customers' budget.
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<b>Failure to Improve</b>	Failure to sustain improvement may result in further disciplinary action up to and including termination of employment. Management reserves the right to escalate progressive discipline at any point in time.
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Employee: _____ Date: _____	Employee's signature is required and indicates receipt only, not agreement with content. Employee comments may be submitted at any time during the progressive discipline process. Failure to sign may result in suspension and/or termination.	
Supervisor: <u>Melody Williams</u> Date: <u>2/12/15</u>	Next Level Manager: <u>Lindy</u> Date: <u>2/12/15</u>	HR Rep.: _____ Date: _____



South Carolina

BlueCross BlueShield of South Carolina  
is an Equal Opportunity Employer and does  
not discriminate on the basis of race, sex, age, or religion.

## EMPLOYEE CORRECTIVE ACTION REPORT

BlueCross BlueShield of South Carolina & Subsidiaries

### Continuation Sheet

<b>Employee Name:</b> Gail Nealy	<b>Emp ID:</b> H409	<b>Div/CC:</b> 44/840	<b>Job Title:</b> Senior Programmer A	<b>Date:</b> 02/10/2015
<b>Facts or Events</b>	<p>Continued:</p> <p>Additionally, during the 1/27/15 team meeting, DVM customer region was discussed as having some unusual activity. The team lead took on the task to follow up with RS regarding who was using and why, as we may not have to do anything depending on customers' expectations. This occurred before you spent the unauthorized hours on DVM ABEND research.</p> <p>On 2/10/2015, management discovered that you moved code into the DVM test region without authorization as required by ISSM. Release Services required the code to be removed, since prior authorization was not obtained.</p>			
<b>Improvement Required</b>	<p>Continued:</p> <p>Demonstrating careful and approved use of our allocated hours includes keeping your leadership (Team Lead and/or Manager) aware of your work assignments and progress. You will continue to provide system support and watch for system irregularities or anomalies as is expected of an application support team member. You will request and receive leadership approval before working on unassigned work.</p> <p>As in our guiding principles, communication is the glue that binds decision-making and processes. Timely and accurate responses to e-mail and voice-mail are required in the performance of your job as Senior Programmer Analyst / IT508. Work balancing, assignments and project and budget management are dependent on accurate and timely communications. Professional handling of communications, follow up activities, e-mails and voice-mails are basic expectations of office personnel within the company. Missed or poor communication impacts our department's ability to maintain our customers' budget and provide quality, timely service.</p> <p>You will need to obtain authorization for code moves for System, QUAL, and PROD.</p>			
<b>Failure to Improve</b>	<p>Failure to sustain improvement may result in further disciplinary action up to and including termination of employment. Management reserves the right to escalate progressive discipline at any point in time.</p>			
<b>Employee:</b> _____ <b>Date:</b> _____		Employee's signature is required and indicates receipt only, not agreement with content. Employee comments may be submitted at any time during the progressive discipline process. Failure to sign may result in suspension and/or termination.		
<b>Supervisor:</b> <u>Melody Williams</u> <b>Date:</b> <u>2/12/15</u>		<b>Next Level Manager:</b> <u>Linda H</u> <b>Date:</b> <u>2/12/15</u>		<b>HR Rep.:</b> _____ <b>Date:</b> _____
<b>This area is reserved for Human Resources:</b>				