Progressive Discipline Policy
City of Dunedin, Florida

PURPOSE:

Employees of the City of Dunedin are members of a team working together to provide quality service to its customers. It is expected that all employees demonstrate a commitment to the City's mission, vision and values in service to its customers. Employees who do not demonstrate this commitment or who violate the City's rules, regulations and/or standards of performance set forth by the City, will be provided guidance and developmental assistance through a system of progressive discipline.

POLICY:

Supervisors are responsible for making employees aware of the City's standards for attendance, work performance and conduct. When an employee fails to meet these standards, the supervisor will implement the appropriate steps of progressive discipline. Progressive discipline will be administered gradually by increasing disciplinary actions for each successive instance of employee misconduct. However, an employee may enter the progressive disciplinary process at any step, including termination, depending on the seriousness of the occurrence. Each level of progressive discipline from coaching and counseling through termination shall be fully documented in the employee's official personnel file.

A repetition of the same violation indicates that more severe disciplinary measures should be administered. This disciplinary action should reflect the totality of violations in considering the appropriate extent or degree of disciplinary action. When imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City or departmental rules and regulations that are inactive, except in the cases of termination. In those situations where termination is being considered, it is appropriate to review and consider an employee's entire work history.

Recognizing that each instance of misconduct differs in many respects from somewhat similar actions, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Examples given in any rules do not limit the generality of the rules. **The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but are to be used as a guide.** The rules and regulations provide recommended progressive penalties to apply for specific offenses; however, the recommended penalties may be modified by management including a lesser or more severe penalty when extenuating circumstances are found.

At-will employees, as defined by the Employee Service System Rules (ESSR), serve at the pleasure of the City Manager. They may be disciplined, suspended, demoted, or terminated by the City at

any time with or without cause. Supervisors may, but are not required to, apply the progressive discipline concept in guiding these employees. Such discipline, suspension, demotion, termination or failure to successfully complete a probationary period shall not be subject to any grievance, arbitration, pre- or post-termination procedure except as specifically provided herein. Similarly, newly promoted, demoted, transferred or reassigned employees who have failed to successfully complete a probationary period are not eligible for any grievance, arbitration, pre- or post-termination procedure.

Probationary employees and at-will employees, may be disciplined, suspended, demoted or terminated by the City at any time with or without cause. Such action is not subject to any arbitration, pre- or post-termination procedures; however, these employees may have an opportunity to respond to any of the disciplinary action noted above to the City Manager by providing a verbal and/or written response to the action taken. A copy of any written response is attached to the discipline and placed in the employee's personnel file.

DISCIPLINARY STEPS:

Coaching and counseling may be used to discuss with an employee a minor problem in the areas of attendance, work performance, or conduct. The objective of such counseling is to help the employee recognize that a problem exists, to develop effective solutions to the problem, while at the same time, to promote proper employee conduct. If appropriate, coaching and counseling may be used prior to issuing a form of progressive discipline. Coaching and counseling shall be documented in writing using the "Documentation of Counseling or Discipline" form and forwarded to the Department of Human Resources and Risk Management (HR).

When coaching/counseling is not appropriate or has failed to correct a problem, the following steps will be followed. An employee who reports to work unfit or unprepared for work or whose conduct is detrimental to the service of the City may be disciplined. Reasons which might be causes for disciplinary action follow, but disciplinary action is not limited to the offenses listed. In instances where more than one rule has been violated, it is the responsibility of the supervisor to determine and charge the employee with the rule or rules most applicable to the offense.

Disciplinary Action Category	Number of Active Violations Allowed in Category	Number of Months Active
Verbal Notice	2	12 months
Written Warning	2	24 months
Written Reprimand w/Suspension 1-3 Day	1	30 months
Written Reprimand w/Suspension 4-5 Day	1	36 months

(Repetition of the same violation would automatically escalate to the next level of disciplinary action.)

Discipline Categories

Verbal Notice (documented in writing)

The purpose of a verbal notice is to encourage employees to improve their performance, work habits, attitude, or behavior. Discussions of this nature are commonly used when an employee disregards work rules of a relatively minor nature.

A. Procedures:

1. The supervisor completes an investigation
2. The supervisor shall meet with the employee within seven (7) calendar days of the incident to clarify expectations and obtain confirmation of the employee's understanding and commitment to achieving and maintaining satisfactory work performance. This meeting is also used as a constructive, developmental problem-solving session, emphasizing the employee's willingness to assume responsibility for correcting his/her own behavior. **The focus should be positive, reminding the employee of the need for proper performance rather than threatening future punishment for continued misbehavior**.
3. The supervisor will document the meeting by completing the "Documentation of Counseling or Discipline" form.
4. The employee, supervisor and Division/Department Director must sign the form.
5. The employee will be given the opportunity, within three (3) calendar days of the action, to submit to their Division/Department Director, a written response to the action.
6. A copy of the form is given to the employee and the original with any attachments, is forwarded to HR.
7. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
8. See attached flowchart.

B. Procedural Review/Appeal:

There is no right of review/appeal.

C. Activation Period:

1. The verbal notice shall be active for 12 months.
2. HR will monitor disciplinary action and notify the Division/Department Director, in writing, that the inactivation is about to occur.
3. If the employee has met their commitment to satisfactory performance, the Division/Department Director shall meet with the employee to advise them of the inactive status of the verbal notice, to commend them on their improvement, and to encourage continued commitment. The Division/Department Director will notify HR in writing that no further disciplinary action is necessary.

4. If the employee has not met their commitment, the Division/Department Director will notify HR in writing and proceed to the next progressive disciplinary step.
5. Inactivated discipline records will be kept in the employee's official personnel file. These inactivated disciplinary records will not be considered or viewed by supervisors when considering an employee for promotion, transfer, performance evaluation or other employment opportunity.

D. Violations - Verbal Notice:

1. Mistake, accident or violation of a safety rule which causes minor injury to oneself and/or other persons without the need for professional medical treatment.

2. Mistake, accident or violation of a safety rule which causes minor damage to property or equipment (less than $2,000).

3. Taking more time than specified for meals or break periods; stopping work or making preparations to leave before specified quitting time or other time approved by management.

4. Tardiness. As a guideline, a maximum of three times (15 minutes or less) per 12 month period may be allowable before a verbal notice is issued. Department rules may require stricter standards (i.e. shift workers).

5. Creating or contributing to unsanitary conditions or poor housekeeping. (Such as failure to pick up scraps, leaving tools and/or equipment in pedestrian or vehicular areas, etc.).

6. Engaging in minor types of horseplay, scuffling, malicious mischief, throwing things, distracting the attention of others, catcalls or similar types of disorderly conduct.

7. Posting or removing any materials on official bulletin boards or on City property (unless authorized) or the defacing of such materials.

8. Distribution of written or printed material of a personal nature or description or unrelated to City business, on City premises, during work time or in work areas or at any time through the City messenger service or via computer or other electronic means unless authorized by management personnel.

9. Failure to properly care for issued equipment including City uniforms, vehicles, tools and supplies.

10. Failure to follow appropriate leave request procedures.

11. Discourtesy to a City employee or other persons whom an employee comes in contact with.

12. Failure of an employee to have a valid Florida driver's license on their person while operating a City vehicle or motorized equipment.

Verbal Notice Violations (cont'd):

13. Smoking and/or use of any tobacco products in any area not clearly designated as a Designated Smoking Area or in a City vehicle or equipment.

14. Lack of personal hygiene when it becomes offensive and adversely affects the ability to interact with other employees and the public while in the performance of duty.

15. Failure to meet prescribed standards of work (i.e. productivity, workmanship, efficiency).

16. Wasting time, loitering or leaving the worksite during working hours without permission.

17. Minor misuse of City equipment (e.g. phones, radios, computers, fax machines) for personal use.

18. Failure to wear proper safety equipment.

19. Use of minor offensive language or inappropriate conduct.

20. Other offenses that are similar in nature but not listed above.

Flowchart
Verbal Notice

Written Warning

A written warning is a more formal discussion between a supervisor and an employee when a serious performance problem occurs or a problem is made serious by reoccurrence.

A. ***Procedures***:

1. The supervisor completes an investigation
2. The supervisor shall meet with the employee within seven calendar days of the incident to clarify expectations and obtain confirmation of the employee's understanding and commitment to achieving and maintaining satisfactory work performance. This meeting is also used as a constructive, developmental problem-solving session, emphasizing the employee's willingness to assume responsibility for correcting his/her own behavior. **The focus should be positive, reminding the employee of the need for proper performance rather than threatening future punishment for continued misbehavior**.
3. The supervisor will document the meeting by completing the "Documentation of Counseling or Discipline" form.
4. The employee, supervisor and Division/Department Director must sign the form.
5. The employee will be given the opportunity, within three (3) calendar days of the action, to submit to their Division/Department Director, a written response to the action.
6. A copy of the form is given to the employee and the original with any attachments, is forwarded to HR.
7. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
8. See attached flowchart.

B. ***Procedural Review/Appeal***:

There is no right of review/appeal

C. ***Activation Period***:

1. The Written Warning shall be active for 24 months.
2. HR will monitor disciplinary action and notify the Division/Department Director, in writing, that the inactivation is about to occur.
3. If the employee has met their commitment to satisfactory performance, the Division/Department Director shall meet with the employee to advise them of the inactive status of the Written Warning, to commend them on their improvement, and to encourage continued commitment. The Division/Department Director will notify HR in writing that no further disciplinary action is necessary.
4. If the employee has not met their commitment, the supervisor shall proceed to the next progressive disciplinary step.

5. Inactivated discipline records will be kept in the employee's official personnel file. These inactivated disciplinary records will not be considered or viewed by supervisors when considering an employee for promotion, transfer, performance evaluation or other employment opportunity.

D. Violations - Written Warning:

1. Escalation of an Active Verbal Notice violation.

2. Frequent absenteeism and/or patterned misuse of leave privileges.

3. Lateness: As a guideline, a maximum of three times (more than 15 minutes) per 12 month period may be allowable before a written warning is issued. Department rules may require stricter standards (i.e. shift workers).

4. Mistake, accident or violation of a safety rule which causes injury to oneself and/or other persons requiring professional medical treatment.

5. Mistake, accident or violation of a safety rule which causes damage to property or equipment (more than $2,000).

6. Failure to report an accident, damage to equipment or personal injury in which the employee was involved while on duty, on the day the accident or injury occurred or as soon as reasonably possible.

7. Violation of a traffic regulation(s), whether or not charged by the law enforcement officer, while operating a City vehicle.

8. Operating a City vehicle or motorized equipment with a driver's license that has been expired for 45 days or less.

9. Conducting or participating in any political activity while on duty in violation of the ESSR section 2.06 or State law.

10. Failure of employee, without reasonable excuse to the City, to attend a physical examination as scheduled or to keep a doctor's appointment with a City provided physician after notification of such appointment has been given to the employee. The employee may also be charged for the cost of the missed appointment.

11. Incompetency or minor negligence in the performance of duty. (i.e. failure to meet deadlines, due dates, etc.)

12. Failure to follow instructions of a supervisor.

13. Unauthorized discarding or destroying of City property, records or files.

14. Minor violation of City ordinances, administrative regulations, City, department, division or section rules, including safety rules.

15. Instances of offensive language or conduct which has the potential to impair the efficiency or morale of the department.

16. Other offenses that are similar in nature but not listed above.

Flowchart
Written Warning

Written Reprimand with a 1-3 Day Suspension

In situations where previous discipline has not resulted in the expected improvement or when an employee commits a single incident, this level of discipline may be implemented. The supervisor may recommend suspending the employee without pay, for one to three working days. Paid leave may not be used for this suspension, except in accordance with the Fair Labor Standards Act. The length of the suspension may vary according to the severity of the incident or the number of occurrences and is recommended by the supervisor. The supervisor may consult the HR Department at any time during this process.

A. Procedures:

1. The supervisor completes an investigation
2. The supervisor shall meet with the employee within seven calendar days of the incident to clarify expectations and obtain confirmation of the employee's understanding and commitment to achieving and maintaining satisfactory work performance. This meeting is also used as a constructive, developmental problem-solving session, emphasizing the employee's willingness to assume responsibility for correcting his/her own behavior. **The focus should be positive, reminding the employee of the need for proper performance rather than threatening future punishment for continued misbehavior**.
3. The supervisor will document the meeting by completing the "Documentation of Counseling or Discipline" form.
4. The employee, supervisor and Division Director must sign the form. The Department Director will sign the form only if the employee does not request Procedural Review.
5. The employee will be given the opportunity, within three (3) calendar days of the action, to submit to their Division Director, a written response to the action.
6. Employee may request a procedural review/appeal in writing.
7. A copy of the form is given to the employee and the original with any attachments, is forwarded to HR.
8. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
9. See attached flowchart.

B. Procedural Review/Appeal:

1. The employee may request a procedural review meeting with the Human Resources and Risk Management Director **and** the appropriate Department Director.
2. If the HR Director **and** the Department Director uphold the recommended disciplinary action, the employee may request a pre-disciplinary hearing with the City Manager.
3. If the supervisor excuses the employee from work prior to the scheduled hearing, this time shall be with pay.
4. The hearing may be postponed or continued if the employee is not available or if the City Manager, or designee, finds reason for further investigation.
5. The employee must appear at the hearing or request rescheduling for reasonable cause.
6. If the reason for rescheduling is not for reasonable cause, the time between the original hearing date and the rescheduled date shall be without pay.
7. Failure to appear at the hearing will otherwise forfeit the employee's right to the Pre-Disciplinary Procedure and appeal.

8. The hearing shall be conducted by the City Manager, or designee, following the procedural review of the recommended disciplinary action by the Human Resources and Risk Management Director **and** the Department Director.
9. The employee may present any witnesses if they wish.
10. At the hearing, the City Manager, or designee, will explain the charge(s) and proposed disciplinary action.
11. The employee shall have the opportunity to respond to the charge(s) and provide supportive evidence, which may include written statements by witnesses.
12. Following the adjournment of the Pre-Disciplinary hearing, the City Manager will provide a written determination within three working days.
13. A copy of this determination shall be sent to the employee and the employee's Division/Department Director and a copy will be forwarded immediately to HR. If circumstances cause a delay in forwarding the information, the delay must be coordinated with HR.
14. The effective date of the demotion or suspension shall be listed in the determination.
15. If the City Manager upholds the disciplinary action, the employee may request an appeal to the Personnel Review Board.
16. Employees wishing to appeal to the Personnel Review Board following implementation of the discipline must do so in writing following the City Manager's determination and in accordance with the Employee Service Systems Rules (ESSR).
17. See attached flow chart.

NOTE: Scheduling of any suspension shall be at the discretion of the supervisor in order to minimize the disruption to the division's/department's work schedule.

C. Activation Period:

The Written Reprimand with a 1-3 Day Suspension shall be active for 30 months.

1. HR will monitor disciplinary action and notify the Division/Department Director, in writing, that the inactivation is about to occur.
2. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
3. If the employee has met their commitment to satisfactory performance, the Division/Department Director shall meet with the employee to advise them of the inactive status of the Written Reprimand with a 1-3 Day Suspension, to commend them on their improvement, and to encourage continued commitment. The Division/Department Director will notify HR in writing that no further disciplinary action is necessary.
4. If the employee has not met their commitment, the Division/Department Director will notify HR in writing and proceed to the next progressive disciplinary step.
5. Inactivated discipline records will be kept in the employee's official personnel file. These inactivated disciplinary records will not be considered or viewed by supervisors when considering an employee for promotion, transfer, performance evaluation or other employment opportunity.

D. Violations - Written Reprimand with a 1-3 Day Suspension:

1. Escalation of an active Written Warning violation.

2. Acceptance of gifts and/or gratuities in accordance with the City's Ethics policy.

3. Sleeping during working hours, unless otherwise authorized (such as the Fire Department).

4. Unauthorized/unexplained absence without leave (AWOL) (Absence is subject to leave without pay in addition to the suspension).

5. Unauthorized foraging through City records, personnel files, co-worker's desks, departmental files, computer files, etc.

6. Unauthorized intentional discarding or destroying of City property, records or files.

7. Violation of copyright laws pertaining to, but not limited to, computer software and printed materials.

8. Failure to work overtime, special hours or special shifts after being scheduled in accordance with overtime or call-back policies under personnel rules, or with the Fair Labor Standards Act.

9. Unauthorized use of any City tools, equipment or materials for personal benefit at any time, including removal of such from the work area.

10. Engaged in outside employment while on sick leave, workers' compensation, short term disability or long term disability (unless authorized by City Manager). If using annual leave for an uncovered portion of an absence due to illness/injury, outside employment is not permitted while on annual leave.

11. Knowingly and willfully making false statements relative to City business.

12. Leaving work during regular work shift, at the end of the shift, or during assigned overtime before relieved by supervisor, or relieving employee.

13. Incompetency or negligence in the performance of duty which does or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.

14. Insubordination or refusal to follow verbal and/or written instructions of a supervisor.

15. Repeated occurrences of offensive language or conduct which has the potential to impair, or a single occurrence which actually impairs, the efficiency or morale of the department.

16. Mistakes or accidents due to "negligence" which do or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.

17. Other offenses that are similar in nature but not listed above.

Flowchart
Reprimand With 1-3 Day Suspension

Written Reprimand with a 4-5 Day Suspension

In situations where previous discipline has not resulted in the expected improvement or when an employee commits a single incident, this level of discipline may be implemented. Once the supervisor has completed an investigation, the supervisor may recommend suspending the employee without pay, for four or five working days. Paid leave may not be used for this suspension, except in accordance with the Fair Labor Standards Act. The length of the suspension may vary according to the severity of the incident or the number of occurrences and will be recommended by the supervisor. The supervisor may consult the HR Department at any time during this process.

A. Procedures:

1. The supervisor completes an investigation.
2. The supervisor shall meet with the employee within seven calendar days of the incident to clarify expectations and obtain confirmation of the employee's understanding and commitment to achieving and maintaining satisfactory work performance. This meeting is also used as a constructive, developmental problem-solving session, emphasizing the employee's willingness to assume responsibility for correcting his/her own behavior. **The focus should be positive, reminding the employee of the need for proper performance rather than threatening future punishment for continued misbehavior**.
3. The supervisor will document the meeting by completing the "Documentation of Counseling or Discipline" form.
4. The employee, supervisor and Division Director must sign the form. The Department Director will sign the form only if the employee does not request Procedural Review.
5. The employee will be given the opportunity, within three (3) calendar days of the action, to submit to their Division/Director, a written response to the action.
6. Employee may request a procedural review/appeal in writing.
7. A copy of the form is given to the employee and the original with any attachments, is forwarded to HR.
8. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
9. See attached flowchart.

B. Procedural Review/Appeal:

1. The employee may request a procedural review meeting with the Human Resources and Risk Management Director **and** the appropriate Department Director.
2. If the HR Director **and** the Department Director uphold the recommended disciplinary action, the employee may request a pre-disciplinary hearing with the City Manager.
3. If the supervisor excuses the employee from work prior to the scheduled hearing, this time shall be with pay.
4. The hearing may be postponed or continued if the employee is not available or if the City Manager, or designee, finds reason for further investigation.
5. The employee must appear at the hearing or request rescheduling for reasonable cause.
6. If the reason for rescheduling is not for reasonable cause, the time between the original hearing date and the rescheduled date shall be without pay.

7. Failure to appear at the hearing will otherwise forfeit the employee's right to the Pre-Disciplinary Procedure and appeal.
8. The hearing shall be conducted by the City Manager, or designee, following the procedural review of the recommended disciplinary action by the Human Resources and Risk Management Director **and** the Department Director.
9. The employee may present any witnesses if they wish.
10. At the hearing, the City Manager, or designee, will explain the charge(s) and proposed disciplinary action.
11. The employee shall have the opportunity to respond to the charge(s) and provide supportive evidence, which may include written statements by witnesses.
12. Following the adjournment of the Pre-Disciplinary hearing, the City Manager will provide a written determination within three working days.
13. A copy of this determination shall be sent to the employee and the employee's Division/Department Director and a copy will be forwarded immediately to HR. If circumstances cause a delay in forwarding the information, the delay must be coordinated with HR.
14. The effective date of the demotion and/or suspension shall be listed in the determination.
15. If the City Manager upholds the disciplinary action, the employee may request an appeal to the Personnel Review Board.
16. Employees wishing to appeal to the Personnel Review Board following implementation of the discipline must do so in writing following the City Manager's determination and in accordance with the Employee Service Systems Rules (ESSR).
17. See attached flow chart

NOTE: Scheduling of any suspension shall be at the discretion of the supervisor in order to minimize the disruption to the division's**/department's work schedule.**

C. Activation Period:

1. The Written Reprimand with a 4-5 Day Suspension shall be active for 36 months.
2. HR will monitor disciplinary action and notify the Division/Department Director, in writing, that the inactivation is about to occur.
3. The supervisor shall monitor the employee's progress and establish times for follow-up conversations to discuss with the employee their progress.
4. If the employee has met their commitment to satisfactory performance, the Division/Department Director shall meet with the employee to advise them of the inactive status of the Written Reprimand with a 4-5 Day Suspension, to commend them on their improvement, and to encourage continued commitment. The Division/Department Director will notify HR in writing that no further disciplinary action is necessary.
5. If the employee has not met their commitment, the Division/Department Director will notify HR in writing and proceed to the next progressive disciplinary step.
6. Inactivated discipline records will be kept in the employee's official personnel file. These inactivated disciplinary records will not be considered or viewed by supervisors when considering an employee for promotion, transfer, performance evaluation or other employment opportunity.
7. If an employee develops any disciplinary problems subsequent to the inactivation with the result that their employment has been recommended for termination, the employee's entire work history will be available for review during any pre-or post-termination procedure.

D. ***Violations - Written Reprimand with a 4-5 Day Suspension:***

1. Escalation of an active Written Reprimand with a 1-3 Day Suspension violation.

2. Gross insubordination by verbal or written **refusal** to perform work assigned or refusal to comply with written or verbal instructions of a supervisor.

3. Mistakes or accidents due to "gross negligence" which do or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.

4. Gross negligence, which does or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.

5. Smoking in any work area where smoking is prohibited for safety reasons.

6. Unauthorized possession of knives other than pocket knives of common length, or other related weapons including but not limited to brass knuckles, numchucks, etc, (or as defined by State statute).

7. Threatening, intimidating, bullying, coercing, use of abusive or profane language or conduct to include the use of racial, gender or ethnic slurs, or interfering with fellow employees, supervisors or citizens at any time while on duty, reporting for duty, leaving duty, on City premises or while representing the City in any capacity.

8. Violation of the City's Workplace Violence Policy and/or the Harassment Policy.

9. Failure of a Supervisor, Division Director or Department Director to stop inappropriate and/or violent employee behavior before it occurs. (Behavior for which they knew or should have known).

10. Making false, vicious or malicious statements about any employee, the City or its citizens.

11. Any illegal or unethical conduct on the job or off the job which reflects unfavorably on the City as an employer, including behavior while in City uniform.

12. Refusal to be examined by a City authorized physician when so directed by a supervisor or department director for a good reason in accordance with the ESSR section 11.04.

13. Engaging in, or contributing to, inappropriate conduct which may create a hostile work environment.

14. Other offenses that are similar in nature but not listed above.

Flowchart
Reprimand With 4-5 Day Suspension

Termination of Employment

Employees who fail to comply with the objectives set forth in a previous disciplinary action or when a single offense of such major consequence is committed that the employee forfeits his/her right in the progressive discipline process, the employee may be subject to immediate termination.

A. Procedures:

1. The Division Director completes an investigation.
2. The Division Director completes the "Documentation of Counseling or Discipline" form.
3. The Division Director shall meet with the employee within seven calendar days of the incident to discuss the incident(s) and to review the "Documentation of Counseling or Discipline" form including the recommendation for termination.
4. The employee and Division Director must sign the form. The Department Director will sign the form only if the employee does not request Procedural Review.
5. The employee will be given the opportunity, within three (3) calendar days of the action, to submit to their Division Director, a written response to the action.
6. Employee may request a procedural review/appeal in writing.
7. A copy of the form is given to the employee and the original with any attachments, is forwarded to HR.
8. See attached flowchart.

B. Procedural Review/Appeal:

The employee may request a procedural review meeting with the Human Resources and Risk Management Director **and** the appropriate Department Director prior to the implementation of the discipline.

1. If the HR Director **and** the Department Director uphold the recommended disciplinary action, the employee may request a pre-disciplinary hearing with the City Manager.
2. If the Division Director excuses the employee from work prior to the scheduled hearing, this time shall be with pay.
3. The hearing may be postponed or continued if the employee is not available or if the City Manager, or designee, finds reason for further investigation.
4. The employee must appear at the hearing or request rescheduling for reasonable cause.
5. If the reason for rescheduling is not for reasonable cause, the time between the original hearing date and the rescheduled date shall be without pay.
6. Failure to appear at the hearing will otherwise forfeit the employee's right to the Pre-Disciplinary Procedure and appeal.
7. The hearing shall be conducted by the City Manager, or designee, following the procedural review of the recommended disciplinary action by the Human Resources and Risk Management Director **and** the Department Director.
8. The employee may present any witnesses if they wish.
9. At the hearing, the City Manager, or designee, will explain the charge(s) and proposed disciplinary action.
10. The employee shall have the opportunity to respond to the charge(s) and provide supportive evidence, which may include written statements by witnesses.

11. Following the adjournment of the Pre-Disciplinary hearing, the City Manager will provide a written determination within three working days.
12. A copy of this determination shall be sent to the employee and the employee's Division/Department Director and a copy will be forwarded immediately to HR. If circumstances cause a delay in forwarding the information, the delay must be coordinated with HR.
13. The effective date of the termination shall be listed in the determination.
14. If the City Manager upholds the disciplinary action, the employee may request an appeal to the Personnel Review Board.
15. Employees wishing to appeal to the Personnel Review Board following implementation of the discipline must do so in writing following the City Manager's determination and in accordance with the Employee Service Systems Rules (ESSR).
16. See attached flow chart.

C. ***Violations - Termination:***

1. Escalation of an active Written Reprimand with a 4-5 Day Suspension violation.

2. Provoking or instigating a fight with an employee or citizen while on duty, reporting for duty, leaving duty, on City property, while in a city uniform or while representing the City in any capacity.

3. Knowingly falsifying personnel/payroll records, City records, or employment application; including accident, insurance or medical records or reports, purchase orders, or any other reports, records or applications.

4. Knowingly making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, workers' compensation, unemployment compensation benefits, or any other such benefits.

5. Inability to perform work assignments by virtue of incarceration, except where management approves the employee's use of available leave time.

6. Possession, placement or concealment of weapons or explosives on City property or in City vehicles, except as required for legitimate law enforcement/fire department purposes or in accordance with State Statutes.

7. Concerted curtailment or restriction of production or interference with work in or about the City's work areas, including but not limited to, instigating, leading or participating in any walkout, strike, sit down, stand-in or refusal to return at the scheduled time for the scheduled shift.

8. Theft and/or scavenging of any property while on duty, in City uniform, using a City vehicle or representing the City in any capacity.

9. Theft of City property under any circumstances.

10. Failure or refusal to follow written or verbal instructions of the supervisor during emergency situations that affect public safety or health.

11. Three consecutive work days of unauthorized leave. (ESSR section 14.15).

12. Failure to obtain or maintain, licenses or certifications necessary to fulfill job requirements including driver’s license.

13. Repeated failure to maintain minimum job performance.

14. Conviction or probable cause to believe that a crime was committed, if the crime was a felony, a first degree misdemeanor, or any crime which directly relates to the employee's position or otherwise adversely reflects on the City.

15. Membership in an organization which advocates the overthrow of the government of the United States of America by force or violence and where such advocacy is directed toward inciting or producing such action.

16. Engaging in behavior which exhibits a wanton and willful disregard of human rights, safety, or property.

17. Engaging in, or contributing to, any illegal or inappropriate conduct that has the effect of creating a hostile work environment or reflects negatively upon the City.

18. Violation of the City's Substance Abuse Prevention Policy (SAPP) or Commercial Driver's License (CDL) Policy.

19. Other offenses that are similar in nature but not listed above.

Flowchart
Termination

Optional Progressive Disciplinary Steps

Crisis Leave

When a supervisor decides that an employee's behavior has become insubordinate to the extreme, or to insure the safety of the employee, other employees, the public or City property, the supervisor will have the right to invoke a crisis leave to remove the employee from the workplace for the balance of the shift. Crisis leave will be with pay.

Procedures:

1. Upon placing the employee on leave, a thorough investigation shall be immediately conducted by the supervisor to determine the appropriate disciplinary action to be taken.
2. The findings may be reviewed with the Department Director or Division Director and/or the Human Resources and Risk Management Department.
3. If the investigation cannot be completed before the beginning of the next work day, the crisis leave may be extended for a reasonable period of time as is necessary to accommodate weekend, holiday, or extenuating work schedules.
4. The supervisor will meet with the employee immediately upon completion of the investigation to discuss the situation and implement disciplinary action and/or other appropriate action.

Demotion

Under certain circumstances, demotion may be warranted under the Progressive Disciplinary System in lieu of, or in addition to, other disciplinary action(s). Demotions for disciplinary reasons may be appealed in accordance with this policy and/or the ESSR.

Summary of Violations

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
1. Mistake, accident or violation of a safety rule which causes minor injury to oneself and/or other persons without the need for professional medical treatment.	1. Escalation of an active Verbal Notice violation.	1. Escalation of an active Written Warning violation.	1. Escalation of an active Written Reprimand with a 1-3 Day Suspension violation.	1. Escalation of an active Written Reprimand with a 4-5 Day Suspension violation.
2. Mistake, accident or violation of a safety rule which causes minor damage to property or equipment (less than $2,000).	2. Frequent absenteeism and/or patterned misuse of leave privileges.	2. Acceptance of gifts and/or gratuities in accordance with the City's Ethics policy.	2. Gross insubordination by verbal or written **refusal** to perform work assigned or refusal to comply with written or verbal instructions of a supervisor.	2. Provoking or instigating a fight with an employee or citizen while on duty, reporting for duty, leaving duty, on City property, while in a city uniform or while representing the City in any capacity.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
3. Taking more time than specified for meals or break periods; stopping work or making preparations to leave before specified quitting time or other time approved by management.	3. Lateness: As a guideline, a maximum of three times (more than 15 minutes) per 12 month period may be allowable before a written warning is issued. Department rules may require stricter standards (i.e. shift workers).	3. Sleeping during working hours, unless otherwise authorized (such as the Fire Department).	3. Mistakes or accidents due to "gross negligence" which do or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.	3. Knowingly falsifying personnel/payroll records, City records, or employment application; including accident, insurance or medical records or reports, purchase orders, or any other reports, records or applications.
4. Tardiness. As a guideline, a maximum of three times (15 minutes or less) per 12 month period may be allowable before a verbal notice is issued. Department rules may require stricter standards (i.e. shift workers).	4. Mistake, accident or violation of a safety rule which causes injury to oneself and/or other persons requiring professional medical treatment.	4. Unauthorized/unexplained absence without leave (AWOL) (Absence is subject to leave without pay in addition to the suspension).	4. Gross negligence, which does or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.	4. Knowingly making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, workers' compensation, unemployment compensation benefits, or any other such benefits.
5. Creating or contributing to unsanitary conditions or poor housekeeping. (Such as failure to pick up scraps, leaving tools and/or equipment in pedestrian or vehicular areas, etc.)	5. Mistake, accident or violation of a safety rule which causes damage to property or equipment (more than $2,000).	5. Unauthorized foraging through City records, personnel files, co-worker's desks, departmental files, computer files, etc.	5. Smoking in any work area where smoking is prohibited for safety reasons.	5. Inability to perform work assignments by virtue of incarceration, except where management approves the employee's use of available leave time.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
6. Engaging in **minor** types of horseplay, scuffling, malicious mischief, throwing things, distracting the attention of others, catcalls or similar types of disorderly conduct.	6. Failure to report an accident, damage to equipment or personal injury in which the employee was involved while on duty, on the day the accident or injury occurred or as soon as reasonably possible.	6. Unauthorized intentional discarding or destroying of City property, records or files.	6. Unauthorized possession of knives other than pocket knives of common length, or other related weapons including but not limited to brass knuckles, nunchucks, etc, (or as defined by State statute).	6. Possession, placement or concealment of weapons or explosives on City property or in City vehicles, except as required for legitimate law enforcement/fire department purposes or in accordance with State Statutes.
7. Posting or removing any materials on official bulletin boards or on City property (unless authorized) or the defacing of such materials.	7. Violation of a traffic regulation(s), whether or not charged by the law enforcement officer, while operating a City vehicle.	7. Violation of copyright laws pertaining to, but not limited to, computer software and printed materials.	7. Threatening, intimidating, bullying, coercing, use of abusive or profane language or conduct to include the use of racial, gender or ethnic slurs, or interfering with fellow employees, supervisors or citizens at any time while on duty, reporting for duty, leaving duty, on City premises or while representing the City in any capacity.	7. Concerted curtailment or restriction of production or interference with work in or about the City's work areas, including but not limited to, instigating, leading or participating in any walkout, strike, sit down, stand-in or refusal to return at the scheduled time for the scheduled shift.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
8. Distribution of written or printed material of a personal nature or description or unrelated to City business, on City premises, during work time or in work areas or at any time through the City messenger service or via computer or other electronic means unless authorized by management personnel.	8. Operating a City vehicle or motorized equipment with a driver's license that has been expired for 45 days or less.	8. Failure to work overtime, special hours or special shifts after being scheduled in accordance with overtime or call-back policies under personnel rules, or with the Fair Labor Standards Act.	8. Violation of the City's Workplace Violence Policy and/or the Harassment Policy.	8. Theft and/or scavenging of any property while on duty, in City uniform, using a City vehicle or representing the City in any capacity.
9. Failure to properly care for issued equipment including City uniforms, vehicles, tools and supplies.	9. Conducting or participating in any political activity while on duty in violation of the ESSR section 2.06 or State law.	9. Unauthorized use of any City tools, equipment or materials for personal benefit at any time, including removal of such from the work area.	9. Failure of a Supervisor, Division Director or Department Director to stop inappropriate and/or violent employee behavior before it occurs. (Behavior for which they knew or should have known).	9. Theft of City property under any circumstances.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
10. Failure to follow appropriate leave request procedures.	10. Conducting or participating in any political activity while on duty in violation of the ESSR section 2.06 or State law.	10. Engaged in outside employment while on sick leave, workers' compensation, short term disability or long term disability (unless authorized by City Manager). If using annual leave for an uncovered portion of an absence due to illness/injury, outside employment is not permitted while on annual leave.	10. Making false, vicious or malicious statements about any employee, the City or its citizens.	10. Failure or refusal to follow written or verbal instructions of the supervisor during emergency situations that affect public safety or health.
11. Discourtesy to a City employee or other persons whom an employee comes in contact with.	11. Failure of employee, without reasonable excuse to the City, to attend a physical examination as scheduled or to keep a doctor's appointment with a City provided physician after notification of such appointment has been given to the employee. The employee may also be charged for the cost of the missed appointment.	11. Knowingly and willfully making false statements relative to City business.	11. Any illegal or unethical conduct on the job or off the job which reflects unfavorably on the City as an employer, including behavior while in City uniform.	11. Three consecutive work days of unauthorized leave. (ESSR section 14.15).

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
12. Failure of an employee to have a valid Florida driver's license on their person while operating a City vehicle or motorized equipment.	12. Incompetency or minor negligence in the performance of duty. (i.e. failure to meet deadlines, due dates, etc.)	12. Leaving work during regular work shift, at the end of the shift, or during assigned overtime before relieved by supervisor, or relieving employee.	12. Refusal to be examined by a City authorized physician when so directed by a supervisor or department director for a good reason in accordance with the ESSR section 11.04.	12. Failure to obtain or maintain, licenses or certifications necessary to fulfill job requirements including driver's license.
13. Smoking and/or use of any tobacco products in any area not clearly designated as a Designated Smoking Area or in a City vehicle or equipment.	13. Failure to follow instructions of a supervisor.	13. Incompetency or negligence in the performance of duty which does or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.	13. Engaging in, or contributing to, inappropriate conduct which may create a hostile work environment.	13. Repeated failure to maintain minimum job performance.
14. Lack of personal hygiene when it becomes offensive and adversely affects the ability to interact with other employees and the public while in the performance of duty.	14. Unauthorized discarding or destroying of City property, records or files.	14. Insubordination or refusal to follow verbal and/or written instructions of a supervisor.	14. Other offenses that are similar in nature but not listed above	14. Conviction or probable cause to believe that a crime was committed, if the crime was a felony, a first degree misdemeanor, or any crime which directly relates to the employee's position or otherwise adversely reflects on the City.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
15. Failure to meet prescribed standards of work (i.e. productivity, workmanship, efficiency).	15. Minor Violation of City ordinances, administrative regulations, City, department, division or section rules, including safety rules.	15. Repeated occurrences of offensive language or conduct which has the potential to impair, or a single occurrence which actually impairs, the efficiency or morale of the department.		15. Membership in an organization which advocates the overthrow of the government of the United States of America by force or violence and where such advocacy is directed toward inciting or producing such action.
16. Wasting time, loitering or leaving the worksite during working hours without permission	16. Instances of offensive language or conduct which has the potential to impair the efficiency or morale of the department.	16. Mistakes or accidents due to "negligence" which do or may contribute to personal injury to City personnel, the public, and/or damage to equipment, tools or property.		16. Engaging in behavior which exhibits a wanton and willful disregard of human rights, safety, or property.
17. Minor misuse of City equipment (e.g. phones, radios, computers, fax machines, for personal use.	17. Other offenses that are similar in nature but not listed above.	17. Other offenses that are similar in nature but not listed above.		17. Engaging in, or contributing to, any illegal or inappropriate conduct that has the effect of creating a hostile work environment or reflects negatively upon the City.
18. Failure to wear proper safety equipment.				18. Violation of the City's Substance Abuse Prevention Policy (SAPP) or Commercial Driver's License (CDL) Policy.

Verbal Notice	Written Warning	1-3 Day Suspension	4-5 Day Suspension	Termination
19. Use of minor offensive language or inappropriate conduct.				19. Other offenses that are similar in nature but not listed above.
20. Other offenses that are similar in nature but not listed above.				

Approved

Effective Date of Policy:	September 15, 1994
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Director of Human Resources & Risk Management — Date: 12-1-12

City Manager — Date: 12/04/12