

CITY OF CORAL SPRINGS
ADMINISTRATIVE POLICY MANUAL

CHAPTER: 06 Human Resources Policies

POLICY # 06.09.01

SECTION: 09 Discipline

SUBJECT: 01 Disciplinary Actions

DEPARTMENT: Human Resources

EFFECTIVE DATE: 09/01/08

CITY MANAGER: Michael S. Levinson

PAGE: 1 OF 14

PURPOSE

The City of Coral Springs, through its commitment to Total Quality Management, will continue to recruit, train, and retain qualified employees who will contribute to the City's mission. The City of Coral Springs is dedicated to becoming the premier City in Florida that fully responds to customer needs.

The City of Coral Springs recognizes that the success of City government in providing quality and efficient public services directly correlates with appropriate employee conduct and performance. Employee behavior which is positive and supportive of the goals of effective municipal management is fully encouraged.

However, when an employee's conduct or performance is inconsistent with the needs and goals of the City, disciplinary actions up to and including dismissal can occur. Progressive discipline is suggested when circumstances support its use. In extreme cases, dismissal may immediately occur.

SCOPE

All employees shall comply with and extend full support to established rules and regulations, to the extent that they do not conflict with collective bargaining agreements.

The election of hearings or appeals under the Disciplinary Actions policy automatically waives the employee's right to elect any other administrative hearing or grievance procedure offered within the City, including union processes.

DEFINITIONS

Conduct Unbecoming a City Employee: Employee behavior or actions on the part of the employee which hinder or jeopardize the successful operation of the City, undermine teamwork and cooperation among City employees, or undermine the public confidence in the City or its employees.

Position Probation: The one year period following a promotion or demotion in which a promoted or demoted regular employee will be evaluated for effectiveness in the new position. The City may extend position probation an additional six (6) months.

Initial Probationary Employee: An employee who has not yet successfully completed the established one-year initial employment, or extended probationary period. Employees that are promoted, demoted, or reclassified during the Initial Probationary period shall serve a new one-year Initial Probationary period beginning with the effective date of the action.

Regular Employee: An employee occupying a budgeted full-time or part-time position and having already successfully completed the established initial probationary period in that budgeted position.

POLICY

1. Counseling and written reprimands should be utilized as an element to motivate employees to choose behavior conducive to an individual's growth, development and most importantly, to insure the successful operation of the City and its services. However, in certain circumstances, punitive discipline actions will be necessary. There is no "fixed formula" for discipline, management reserves the right and prerogative to make disciplinary decisions based on repeated occurrences of varying incidents, past performance, or severity of the incident.
2. Although progressive disciplinary actions are encouraged when circumstances support such use, the severity of misconduct and the circumstances shall determine the nature of the discipline.
3. A number of factors should be considered in determining the appropriate level of discipline to be taken at each successive step. Such factors may include time intervals between offenses, effectiveness of prior disciplinary actions, insubordination, employee willingness to improve, overall work performance and teamwork.
4. Certain misconduct is so contrary to the public interest that dismissal shall be the only appropriate disciplinary measure.
5. The level of misconduct may differ in individual cases from apparently similar incidents. **The City retains the right to treat each occurrence on an individual basis without creating a precedent for situations which may arise in the future.** This case- by-case method is designed to take individual circumstances and/or mitigating factors into account. These provisions are not to be construed as a limitation upon the retained rights of the City, but are to be used as a guide.
6. The failure of immediate supervisors to document and/or take disciplinary actions for misconduct, or the failure to forward the completed disciplinary documents to Human Resources, shall serve as grounds for disciplinary action.

7. After a period of one year for a Record of Discussion, two years for a Written Reprimand, and five years for a Suspension, discipline will not be considered for purposes of future disciplinary actions or promotions. However, these items will remain in the employee's personnel file. Verbal warnings or verbal reprimands are not considered as disciplinary action.

EXAMPLES OF MISCONDUCT:

The following types of infractions, offenses, or misconduct shall represent employee noncompliance with rules, regulations, policies, practices or procedures of the City or the Department, or employee wrongs or offenses which violate permissible behaviors or are specifically prohibited by law. The listed reasons are for informational purposes only and are not meant to be exhaustive. Each disciplinary action shall be considered on a case-by-case basis. The following are examples of violations which shall result in discipline and the progressive discipline actions which may accompany the violations:

MISCONDUCT

1. Conduct unbecoming of a City employee, as specified in the Definitions section.
2. Violation or disregard of City's Safety policy and procedures including:
 - a. careless use of vehicle or equipment
 - b. failure to use all safety restraints when riding in or operating a City vehicle;
 - c. failure to wear and/or use prescribed uniforms or equipment.
3. Abuse of Human Resources policies including, but not limited to:
 - a. abuse of sick leave privileges, sick leave policy or excessive absenteeism
 - b. failure to notify Department and/or Human Resources of current address and telephone number within ten (10) calendar days of change
 - c. failure to report any outside employment.
4. Abuse of departmental procedures and work rules including:
 - a. failure to provide name and official title to any person requesting same when performing work related duties
 - b. habitual extension of lunch periods or break period
 - c. habitually late for work without valid reason
 - d. smoking in prohibited areas
 - e. unauthorized solicitation, posting of material, or non-productive behavior.
5. Documented failure of a supervisor to perform duties required of supervisory employees including recommending and/or taking disciplinary actions when necessary.

NOTE: This chart outlines the usual progression for repeated occurrences of misconduct. If serious misconduct or extreme misconduct has occurred previously, there will be faster progressive action.

OFFENSE TYPE	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE
MISCONDUCT	COUNSELING	WRITTEN REPRIMAND	SUSPENSION OR DISMISSAL

SERIOUS MISCONDUCT

1. Violation or disregard of City's Safety policy and procedures including:
 - a. continued misuse of equipment or negligence resulting in injury to self, others, or damage to City equipment or property
 - b. horseplay potentially hazardous to life or property
 - c. unauthorized use or unsafe operation of City property, equipment or vehicle.

2. Abuse of Human Resources policies including:
 - a. use of abusive language to or about an employee, co-worker, supervisor, or the public
 - b. insubordination, meaning the failure to recognize or accept the authority of a supervisor.
 - c. threatening a co-worker or supervisor

3. Abuse of departmental procedures and work rules including:
 - a. sleeping on the job
 - b. absent without calling in to department within one hour of shift start time
 - c. disrupting or hindering departmental operations
 - d. failure to work required overtime assignments, special hours, special shifts or unavailability during stand-by status
 - e. outside employment which conflicts, interferes or otherwise hampers the performance of the employee in their City job

The following chart outlines the progressive discipline for three occurrences of serious misconduct. If misconduct or extreme misconduct has occurred previously, there will be faster progressive action.

OFFENSE TYPE	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE
SERIOUS MISCONDUCT	WRITTEN REPRIMAND OR SUSPENSION	SUSPENSION OR DISMISSAL	DISMISSAL

EXTREME MISCONDUCT

1. Violation or disregard of City's Safety policy and procedures including:
 - a. failure to report an on-the-job injury or accident within 24 hours to immediate supervisor
 - b. supervisor's failure to report an employee's on the job injury to Risk Management within 24 hours and/or completion of necessary documentation
 - c. fighting on the job or engaging in any intentional act which may inflict bodily harm on anyone

- d. operating a City vehicle or equipment without a proper and valid driver's license.
 - e. failure to report the revocation or suspension of a driver's license when employment involves driving.
2. Abuse of Human Resources policies including, but not limited to:
- a. except as provided by Florida Law, possession of a firearm or concealed weapon on City property or while performing official City duties, without written permission from Department Director (excluding law enforcement officers)
 - b. gambling during work hours
 - c. suspension or revocation of any required job-related licenses or certifications.
 - d. threat of physical harm to a co-worker or supervisor
3. Abuse of departmental procedures and work rules including:
- a. unauthorized personal use of City equipment or funds
 - b. conducting personal and/or private business on City time; improper use of City time for such activity
 - c. falsifying attendance records
 - d. other department rules as communicated by director/supervisor.
4. Illegal, unethical or improper acts including:
- a. theft or removal of City property without proper authorization
 - b. falsifying employment application or concealing information during pre-employment screening or processing
 - c. soliciting or accepting an unauthorized fee or gift or failure to comply with City Administrative Policy on Gifts
 - d. giving false information, or failure or refusal to fully cooperate or provide full, truthful information in City initiated investigations
 - e. possession, use or sale of illegal drugs, alcohol or prescription medication which alters the employee's performance on the job; or any confirmed positive drug test
 - f. possession or use of alcohol while on duty; or reporting to work under the influence of alcohol
 - g. refusal to participate, if offered, in a drug/alcohol rehabilitation program, and to sign and abide by a return to work agreement when the City receives positive confirmed results on any City ordered drug test such as workers' compensation, accident or reasonable suspicion drug or alcohol testing
 - h. refusal to submit to a City sponsored drug or alcohol testing such as workers' compensation, reasonable suspicion, follow up, or applicant processes
 - i. falsifying or attempting to falsify a City-ordered drug test
 - j. violating the City's Sexual Harassment policy through interaction with another employee or a member of the public
 - k. failure to report within five (5) days an arrest on felony related charges or for conviction of a felony (including non-work related arrest or conviction).

The following chart outlines the progressive discipline for two incidents of extreme misconduct. If misconduct or serious misconduct has occurred previously, there will be faster progressive action.

OFFENSE TYPE	1ST OCCURRENCE	2ND OCCURRENCE	3RD OCCURRENCE
EXTREME OR UNLAWFUL MISCONDUCT	SUSPENSION OR DISMISSAL	DISMISSAL	

PROCEDURE

1. When an immediate supervisor becomes aware of conclusive evidence of the need for employee discipline, he/she becomes responsible and shall investigate the circumstances of the misconduct, or lack of performance, prior to deciding upon the type of disciplinary action to be recommended or taken. Documentation of the discipline investigation or of the conduct shall be required on the part of the immediate supervisor in order to establish appropriate records. Human Resources will be available to assist in such investigations. In cases where investigations of a more substantial nature are required, the following types of administrative review shall be administered.
 - a. **Administrative Review:** Investigations of non-criminal violations conducted in the absence of immediate or conclusive evidence involving any City employee, with the exception of Police Department employees. These investigations shall be conducted by the Department Director and Human Resources, who shall obtain all sufficient information, including documentation and/or sworn statements, in order to determine the necessity or level of disciplinary action. Human Resources shall assume responsibility for acquiring any necessary sworn statements. Administrative investigations shall be conducted expeditiously.
 - b. **Criminal Investigations:** Investigations conducted when criminal violations are reportedly committed by any employee of the City. These investigations shall be conducted by the Police Department, in collaboration with the Department Director of the involved employee.
2. In instances where an investigation of serious, unlawful or other extreme misconduct is necessary, administrative and/or criminal investigations shall be conducted.
3. The immediate supervisor may initiate a three day or less suspension with pay to afford a supervisor the opportunity to investigate an alleged incident or misconduct in the absence of the employee. Suspensions with pay of more than three days require the approval of the Human Resources Director. This practice may also be used in the event that alleged misconduct is severe but unproven. The immediate supervisor shall immediately notify the Department Director and Human Resources after the suspension is issued, so that the matter can be investigated at once.
4. A recommendation for disciplinary action may result from the findings of an investigation. If disciplinary measures are not recommended after the investigation, the suspension with pay period shall not be construed as disciplinary in nature. A document confirming a favorable determination as to the matter should be made a part of the employee's record.

TYPES OF ACTION:

- A. Counseling - Consists of the immediate supervisor warning the employee to correct or improve performance, work habits, or behavior, and counseling the employee on improvements expected. Counseling serves as a warning against further repetition of employee behavior. Future violations will result in further discipline up to and including termination.

A Record of Discussion form should be completed by the immediate supervisor. The employee shall be required to sign the form signifying that he/she has read and discussed the contents with the supervisor.

The Record of Discussion form shall be forwarded to Human Resources for retention in the employee's records, with a copy provided to the employee. The supervisor may request that the employee complete a written action plan to correct the behavior. Employees may submit comments on a separate sheet for inclusion in the record.

- B. Written Reprimand - Consists of an immediate supervisor issuing a written notice of reprimand to improve performance, work habits, or behavior. A written reprimand may include a complete description of the incident(s) of misconduct, inappropriate behavior, work habits, or performance which require improvement; previous records of discussion; a time frame within which the employee must correct or improve his/her behavior; and a warning that future violations will result in further disciplinary actions up to and including termination.

Written reprimands shall be signed by the employee to acknowledge receipt and forwarded to Human Resources for retention in the employee's records, with a copy provided to the employee. Employees may submit comments on a separate sheet for inclusion in the record.

The employee may be required to complete a written plan for correction of the behavior. When the written reprimand contains a time frame for employee improvement, a follow-up discussion at the end of the designated time period should be conducted. This follow-up discussion will provide a specific opportunity to review the employee's improvement relative to the discipline. Written reprimands should be reflected on the employee's performance evaluation along with any noted improvements.

- C. Suspension - Consists of an employee being prohibited from returning to work until the specified period of suspension has passed. If the suspension is greater than one day, it shall be issued on a consecutive working day basis. Unless provided for otherwise in this policy or disallowed by the Fair Labor Standards Act, all suspensions shall be without pay.

Suspensions shall be used when an employee is removed from the job due to extreme misconduct or unlawful behavior, or when instances of progressive discipline support a suspension for a specified period of time. Employees shall be suspended pending the outcome of a recommendation to terminate and shall remain under suspension until the City Manager has made a final determination in a pretermination hearing, if elected by the employee.

1. With the written authorization of the Department Director and Human Resources, immediate supervisors have the authority to issue a suspension for three working days or less.
2. Suspensions beyond three working days require prior concurrence by Human Resources, review by the City Attorney's Office and authorization by the City Manager's Office. Suspensions due to a recommendation to terminate only require the Director of Human Resources' approval.
3. Employees being suspended shall be notified in writing by the immediate supervisor. The written notification shall consist of the reason for the action and the duration of the suspension. It shall also include a statement that future violations will result in further disciplinary actions up to and including termination.
4. It shall be the employee's responsibility to pay for insurance benefits and/or loan payments previously paid through payroll deductions during any suspensions without pay in order to maintain benefits during these periods. Lapses in payments may result in forfeiture of benefits or defaults on loans.
5. Employees may submit comments on a separate sheet for inclusion in the record. Written notification of a suspension shall be signed by the suspended employee acknowledging receipt of the written notification, and forwarded to Human Resources for inclusion in the employee's records, with a copy provided to the employee, the Department Director, and one to Financial Management for payroll purposes.

- D. Demotions - In the context of this policy, demotion consists of an employee being involuntarily removed from a higher level classification to a lower level classification, with a resulting decrease in annual salary. Although not limited to such instances, demotions may occur in some cases because of an inability to fulfill the duties of the higher level job in a satisfactory manner; or a failure to comply with employment conditions, such as licensure or certification. In addition, during position probation an employee shall be subject to demotion without the City being required to state a reason. The employee shall not have access to any appeal process with regard to the demotion. A demotion will involve a decrease in salary of not less than 5%, commensurate with the decrease in responsibilities.

Immediate supervisors should discuss the potential demotion of an employee with their chain of command and the Human Resources Department prior to a written recommendation for demotion. The Department Director shall then submit the written recommendation to the City Manager through Human Resources. Demotions require concurrence from Human Resources, review by the City Attorney's Office and authorization from the City Manager prior to being effected.

Written notification of demotions shall be provided to the employee by the Department Director. Such notices shall include the final decision, the reason(s) for the decision, the employee's new classification title, the new pay range and pay rate, and the effective date of

the demotion. Written notifications shall also include that future violations will result in further disciplinary actions up to and including termination of employment.

All documentation of a demotion shall be retained in the employee's file in Human Resources. Employees may submit comments on a separate sheet for inclusion in their Human Resources personnel file. A copy of the written notification of demotion shall be forwarded to Financial Management for payroll purposes. Employees may submit comments on a separate sheet for inclusion in the record. Written notification of a demotion shall be signed by the employee acknowledging receipt of the written notification, and forwarded to Human Resources for inclusion in the employee's records.

Employees may voluntarily request a voluntary transfer of assignment to a lower level classification with a lower pay range. Such actions shall not be considered punitive or disciplinary in nature, however, a decrease in pay of 5% or more shall occur. Employees interested in pursuing a voluntary transfer of assignment to a lower level classification must put their request in writing to the Director of Human Resources. The Director of Human Resources shall inform the employee in writing of the final decision in the matter. Final decisions are not subject to grievance processes or appeals if the request is denied.

If the employee is demoted or voluntarily transferred to a lower level classification that they have previously successfully passed the designated probationary period, the October award is prorated from the effective date of the demotion to October 1st. If the employee is demoted to a position that they have not previously successfully passed the designated probationary period, the employee shall serve a one year position probation from the effective date of the demotion or voluntary transfer. At the end of the one year position probation, a full award may be granted. No award is granted when an employee is in probationary status. The following October, the employee may receive a prorated award on October 1st. Proration shall occur from the job anniversary date to October 1st.

Refer to the City's Wage and Hour policy for Deductions From Pay.

- E. Dismissal - Dismissal is a result of an employee's involuntary termination which severs the employment relationship. At such time all employee benefits cease, except as otherwise provided by law.

Immediate supervisors shall supply thorough documentation and discuss recommendations for an employee's dismissal with their chain of command and Human Resources. Upon receiving a written recommendation from the supervisor, the Department Director shall submit the documentation to Human Resources. Dismissals of regular employees shall be effected only with the concurrence of Human Resources, review by the City Attorney's Office and authorization by the City Manager. The recommendation to terminate shall be retained in Human Resources and forwarded to the City Manager after an Informal Hearing election decision has been completed by the employee within the noted timeframe.

A written notice of the recommendation to terminate and placement on suspension shall be given to the employee in person. However, after two unsuccessful attempts to deliver the

notification, the notice shall be sent via U.S. mail to the most recent address on record in the personnel file. The recommendation shall include the following information:

1. The underlying reasons for the recommended termination.
2. Documentation upon which the Department Director relied in formulating said recommendation.
3. An explanation of his/her rights to request an Informal Hearing prior to the recommendation to terminate being decided upon by the City Manager and the fact that the decision of the City Manager shall be final. If an employee does not exercise their right to an Informal Hearing, the termination will become effective after the expiration of the two (2) day pre-termination election period.
4. If the employee elects a pre-termination hearing and the City Manager authorizes the termination, a notification letter shall be delivered to inform the employee of the decision and to provide notice of the employee's right to a post-termination Formal Hearing. The terminated employee must elect the Formal Hearing within 5 business days of the date of the notification letter.

Whether the City Manager's final determination is dismissal or a lesser form of discipline with reinstatement at the same or lower level position, the recommendation to terminate and the City Manager's notification letter shall be placed in the employee's Human Resources file, and a copy shall be forwarded to the employee and his/her Department Director. Employees may submit comments on a separate sheet of paper for inclusion in their Human Resources personnel file.

Initial probationary employees who have not successfully completed the established probationary period shall be subject to dismissal without cause and it shall be effective after a review by the City Attorney's Office and authorization by the Director of Human Resources.

At the time of dismissal, employees are required to surrender to their Department Director or designee, all City property which may be in their possession or custody and all other conditions for termination must be complied with prior to issuance of final check.

INEFFICIENCY OR INCOMPETENCE

The inefficiency or incompetency in the performance of assigned duties may result in demotion, or disciplinary action up to and including termination. Examples of poor performance shall include failure to provide responsive, courteous, high quality customer service or repeated failure to support team goals, and contribute to team success.

Employees who receive an **OVERALL** "Below Expectations" evaluation (rating of 1) shall be given a follow-up evaluation within 60 days of the initial "Below Expectations" evaluation. **More than one overall rating of "Below Expectations" may subject the employee to demotion or disciplinary action up to and including termination.** It is the responsibility of

every employee to perform at a minimum level of "Meets Expectations", as outlined in the Incentive Pay System Policy 06.06.02.

EMPLOYEE APPEALS

1. Initial probationary employees shall not have the right to appeal any type of disciplinary action. Position probationary employees shall not have the right to appeal demotions.
2. Regular employees may respond to discipline actions of counseling, written reprimand and suspensions of three consecutive workdays or less; this response shall be in writing and will be attached to the discipline documentation in the employee's personnel file.
3. Regular employees have the right to appeal suspensions of greater than three days, demotions (except for position probationary employees), or recommended dismissals by requesting an Informal Hearing prior to the City Manager's final determination with their Department Director, the Director of Human Resources and a representative from the City Manager's Office. A written request for this Informal Hearing must be submitted to the Director of Human Resources within two (2) business days of the employee's receipt of formal notification of recommended suspension, demotion or dismissal.
4. A post-termination Formal Hearing will be available, if the employee makes a written request to the Director of Human Resources within five (5) business days after the City Manager's determination to terminate notification. The Director of Human Resources will initiate the procedure by appointing a hearing officer within ten (10) business days of the request for post-termination hearing. The post-termination hearing shall be scheduled no less than forty (40) days nor more than sixty (60) days following the employee's request for hearing unless an earlier or later date is agreed to, in writing, by both parties. No later than fifteen (15) days from the scheduled hearing date, the City and the employee shall exchange witness lists and exhibits.

The hearing officer shall be qualified by either the American Arbitration Association or the Federal Mediation and Conciliation Service. The hearing officer shall have the authority to issue subpoenas for attendance of witnesses at the hearing.

The formal hearing shall take place at City Hall in the Commission Chambers or other room designated by the City. At the hearing, the City will present findings and information first. The employee's findings and information will then follow. Each party shall be entitled to be represented by counsel, examine and cross-examine witnesses, and offer other relevant evidence. Written summation of arguments and legal briefs shall be submitted if requested by either party or the hearing officer.

The hearing officer shall render a written decision within 14 calendar days following the close of the hearing or the submission of written summation and briefs, whichever occurs later.

The hearing officer shall either concur or not concur with the termination. No other variations will be considered. If the hearing officer concurs with the termination, the cost of the

proceedings shall be paid equally by the employee and the City. If the hearing officer does not concur with the termination, the City shall bear the costs of the hearing officer.

The City is under no obligation to reinstate the terminated employee even if the hearing officer does not concur with the termination. The employee may seek redress pursuant to applicable laws.

HISTORICAL INFORMATION: This administrative policy shall supersede and replace all prior policies and procedures on the same subject, including but not limited to Administrative Policy 06.09.03 "Termination Procedures" and 06.09.02 "Reprimand, Suspension, Dismissal, and Demotion".

Michael S. Levinson, City Manager

Date

REQUEST FOR POST-TERMINATION HEARING

I, _____, hereby request to have the opportunity of a Post-Termination Hearing. I understand the post-termination hearing shall be scheduled no less than forty (40) days nor more than sixty (60) days following my request for hearing unless an earlier or later date is agreed to, in writing, by both parties, and will be conducted at City Hall, 9551 West Sample Road, Coral Springs, in the City Commission Chambers or other room designated by the City. It is further understood that if the hearing officer concurs with the termination, the costs of the proceedings shall be evenly split between both the City and myself. If the hearing officer does not concur with the recommended termination, the City shall bear the costs of the hearing officer. The City is under no obligation to reinstate me even if the hearing officer does not concur with the termination.

Employee Signature Date

Provide names of employees you wish to be present for the Hearing:

VERIFICATION OF RECEIPT:

Director of Human Resources Date

NOTICE OF HEARING

Date: _____
Time: _____
Place: _____

- Distribution:** Employee
City Attorney
Department Head
City Clerk
Hearing Officer

