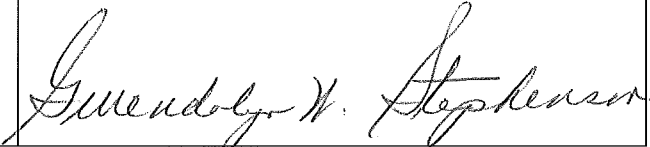


ADMINISTRATIVE PROCEDURES

Title: DISCIPLINARY AND CORRECTIVE ACTION	Identification: 3.23
	Page: 1 of 3
	Effective Date: July 1, 2007
Authority: SBE 6A-14.0261 FS 1001.64; 1001.65 HCC Rule 6HX-10-3.08	Signature/Approval: 

PURPOSE

This procedure provides guidelines for progressive disciplinary and corrective actions for employees.

PROCEDURE

The College maintains a progressive disciplinary procedure that focuses on corrective action to improve performance problems. All employees will receive due process as outlined in this procedure. Any disciplinary action involving a member of a bargaining unit will be handled in accordance with the appropriate collective bargaining agreement.

In general, the sequence of discipline is as follows: counseling memo, written warning, suspension without pay, demotion or termination. Supervisors will have the discretion to skip steps, depending on the seriousness of the conduct in question. In addition, a supervisor is not obligated to use the full progressive disciplinary system in every case. Employees are not entitled to any particular number of warnings prior to the imposition of suspension, demotion or termination; where circumstances warrant, immediate suspension or termination with just cause may be utilized. In determining the appropriateness of discipline, the College will consider the seriousness and frequency of the offense(s); work performance; conduct and disciplinary record; attendance record; and any other facts relevant to the fair and appropriate discipline.

A. COUNSELING MEMO

Normally at the first phase of the progressive disciplinary process, the supervisor will prepare and give to the employee a counseling memo outlining the infraction(s) and steps necessary for corrective action and/or improvement.

Counseling memos will not be forwarded to the employee's official personnel file in Human Resources, unless they subsequently serve as supporting documentation for the next progressive step.

ADMINISTRATIVE PROCEDURES

Identification: 3.23

Page: 2 of 3

Effective Date: July 1, 2007

B. WRITTEN WARNING

The supervisor, in consultation with Human Resources, may issue a written warning if a problem continues or is serious enough to warrant such actions. To issue a written warning, the supervisor will:

1. complete the Employee Disciplinary Report ;
2. meet with the employee to review the form and discuss the problem or infraction;
3. discuss the desired behavior or performance corrective action(s); and
4. discuss the time frame for correcting the problem, and the probable consequences in the event the problem is not resolved.

The form must be signed by the supervisor, the immediate administrative supervisor and the employee. The employee's signature does not mean agreement, only acknowledgement of the contents of the form. If the employee refuses to sign, the supervisor will so indicate this on the form. The employee may provide a written response, addressed and submitted to the supervisor within 10 work days. The supervisor will forward the original form and any written response by the employee to Human Resources for filing in the employee's Limited Access file.

The supervisor and the unit administrator will review the employee's progress as specified in the warning. If corrective actions and expectations are not achieved, the supervisor may recommend suspension, demotion or termination.

C. SUSPENSION

The supervisor, in consultation with Human Resources, may recommend that an employee be suspended if a problem persists, or if an infraction continues or is serious enough to warrant such action. A recommendation for suspension must be submitted on an Employee Disciplinary Report form for review and approval by the unit administrator, appropriate Cabinet Member, and College President. The employee being recommended for suspension will have the right to an informal pre-suspension hearing.

D. DEMOTION

The supervisor, in consultation with Human Resources, may recommend that a professional/managerial or classified employee be demoted for disciplinary infractions from one classification to another classification that carries a lower pay grade. The employee's pay will be decreased a minimum of six percent and a maximum of ten percent upon the demotion. A recommendation for demotion must be submitted on an Employee Disciplinary Report form for review and approval by the unit administrator, appropriate Cabinet Member, and College President. The employee being recommended for demotion will have the right to an informal pre-demotion hearing.

ADMINISTRATIVE PROCEDURES

Identification: 3.23	Page: 3 of 3	Effective Date: July 1, 2007
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E. TERMINATION

The supervisor, in consultation with Human Resources, may recommend that an employee be terminated if performance has not improved or if an infraction continues or is serious enough to warrant such action. A recommendation for termination must be submitted on an Employee Disciplinary Report form for review and approval by the unit administrator, the appropriate Cabinet Member, and the College President. The supervisor should include the appropriate separation forms. The employee being recommended for termination will have the right to an informal pre-termination hearing. The President may recommend to the Board of Trustees that an employee be terminated. The President is authorized to suspend or terminate employees until final approval at the next regular Board of Trustees' meeting.

The Executive Director of Human Resources will notify the employee that the President is recommending termination by certified mail, return receipt requested, with a copy of the Employee Disciplinary Report form.

F. APPEAL PROCESS OPTIONS

1. Board of Trustees Post-termination Hearing

An employee dismissed from the College will have the right to a post-termination hearing under the provisions of Section 120.57, Florida Statutes. The employee must request a hearing and file both a petition and request for a hearing with the Board of Trustees pursuant to the rules outlined in Chapter 28-106, Florida Administrative Code, within 21 days after receipt of determination. The Board Chairman shall appoint a member of the Board to serve as hearing officer or may request that a hearing officer be appointed by the Division of Administrative Hearings of the Department of Administration. The hearing will proceed as a formal proceeding under Section 120.58 and 120.59. Failure to timely file a request for a hearing shall constitute a waiver by the employee of any post-termination rights.

2. Name-Clearing Hearing

As part of a pre-suspension, demotion, or termination hearing, an employee who believes there has been a published false statement made during the process of determining that there will be a suspension, demotion or dismissal may request a name clearing hearing to have an opportunity to clear his/her name of the alleged false statement. This hearing may be combined with the pre-suspension, demotion, or termination hearing, setting out the facts and circumstances of the false statements as an additional reason for the appeal.

History: Replaces Procedure 2.043, Disciplinary and Corrective Action, dated January 6, 1997.