

# ADMINISTRATIVE PROCEDURES

<b>Title: DISCIPLINARY AND CORRECTIVE ACTION</b>	<b>Identification:</b> 3.23
	<b>Page:</b> 1 of 3
	<b>Effective Date:</b> 07/27/16
<b>Authority:</b> FS 1001.64; 1001.65	<b>Signature/Approval:</b> Dr. Ken Awater

## PURPOSE

This procedure provides guidelines for progressive disciplinary and corrective actions for full-time faculty and staff.

## PROCEDURE

The College maintains a progressive disciplinary procedure that focuses on corrective action to improve performance problems. Progressive discipline is a process for handling job-related behavior that does not meet expected and communicated performance standards. The goal of progressive discipline is to assist an employee with understanding a performance expectation and to provide the opportunity for performance improvement. Supervisors should address and communicate performance issues with the employee as they surface. An effective communicated disciplinary process will ensure the employee is informed of both performance expectations and expected corrective action needed.

Any disciplinary action involving a member of a bargaining unit will be handled in accordance with the appropriate collective bargaining agreement.

All disciplinary actions are handled on a case-by-case basis in consultation with Human Resources. Supervisors may recommend skipping 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. In general, the sequence of discipline is as follows: Counseling memo, written warning, suspension without pay, demotion or termination. 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 supervisor will consider the seriousness and frequency of the offense(s); work performance; conduct and disciplinary record; attendance record; performance evaluations and any other facts relevant to the fair and appropriate discipline. In consultation with Human Resources, supervisors may utilize performance improvement plans to identify the performance to be improved; to communicate clear job performance expectations; to identify the support and resources available to assist the employee; and to specify possible consequences if improvement does not occur.

- I. **COUNSELING MEMO**—Counseling provides an opportunity to correct behavior and/or improve performance. The supervisor will prepare and give to the employee a counseling memo outlining the behavior, performance deficiency or infraction(s), and the steps necessary for corrective action and/or improvement.

Counseling memos are normally retained by the employee's supervisor and forwarded to the employee's official personnel file in Human Resources, where they may subsequently serve as supporting documentation for further progressive steps.

- II. **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:

## ADMINISTRATIVE PROCEDURES

<b>Identification :</b> 3.23	<b>Page :</b> 2 of 3	<b>Effective Date :</b> 07/27/16
---------------------------------	-------------------------	-------------------------------------

- A. Complete the Employee Disciplinary Report form;
- B. Meet with the employee to review the form and discuss the problem or infraction;
- C. Discuss the desired behavior or performance corrective action(s); and
- D. 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. If the employee does not provide a response within the 10-day time period, the employee is presumed to have waived the option of providing a response. The supervisor will forward the original form and any written response by the employee to Human Resources for filing in the employee's personnel 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.

- III. **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.
- IV. **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.
- V. **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 with a copy of the Employee Disciplinary Report form.

## ADMINISTRATIVE PROCEDURES

---

<b>Identification :</b> 3.23	<b>Page :</b> 3 of 3	<b>Effective Date :</b> 07/27/16
---------------------------------	-------------------------	-------------------------------------

---

- VI. NAME CLEARING HEARING**—As part of a pre-suspension, 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.
- VII. APPEAL PROCESS/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 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, Florida Statutes. Failure to timely file a request for a hearing shall constitute a waiver by the employee of any post-termination rights.

---

History: Adopted: 02/27/86; Revised: 05/09/86, 03/21/88, 07/16/90, 11/13/90, 10/08/91, 01/06/97;  
Formerly: 2.043, 2.045