

## Change to Personnel Rule 6. Discipline

### Summary

- Change Verbal Warning to Level 1 Warning/Notification and Written Warning to Level 2 Warning/Notification
- Create Level 3 Warning/Notification with four options (Final Written Warning/Notification, Suspension, Pay Reduction and Demotion) and Level 4 for Dismissal
- Make disciplines inactivations automatic unless an Appointing Authority requests that a discipline remain active
- Level 1 Warning/Notification (previously Verbal Warning) will not be added to the employee's Human Resources personnel file and will not be eligible to be grieved to the Informal Grievance Committee.
- Revise the infractions extensively including grouping similar items
- Updates approved by the Unified Personnel Board on August 3, 2023, to be effective on October 1, 2023.

### Background

The changes were a result of collaboration with the Employees' Advisory Council (EAC) and the Appointing Authorities to clarify the rule, focus on constructive and correction feedback, and avoid "stacking" the infractions during the disciplinary process.

### Updates

- Revise the text in Personnel Rule 6, section B.2 Authority to Effect Discipline, as shown below. The text indicated in red underline was added.
    1. Any Classified Service employee may be disciplined for just cause. The types of performance and behavior identified in the attached chart are deemed to constitute just cause. Other causes not specifically listed which in the sole determination of the Appointing Authority negatively impact the efficiency, morale, good order, and discipline of the workplace, or the performance of a department, office, or agency may also constitute just cause. As per Rule 2, newly hired probationary employees whose performance is deemed unsatisfactory may be dismissed at any time prior to the expiration of the probationary period.
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- Revise the text in Personnel Rule 6, section C.1. Disciplinary Actions, as shown below. The text indicated in red underline was added and the text in yellow strikethrough was removed.
    1. ~~Types~~ Levels of Disciplinary Action, in increasing order of severity:
      - a. ~~Verbal Warning~~ Level 1 Warning/Notification
      - b. ~~Written Warning~~ Level 2 Warning/Notification

- c. Level 3 Warning/Notification, choose from the following (considered the same level of discipline)
    - i. Final Written Warning/Notification
    - ii. Suspension \*
    - iii. Pay Reduction \* (temporary or permanent)
    - iv. Demotion \*
  - d. Dismissal
- \*considered the same level of discipline

## 2. Procedure

UPB Policy #10: Discipline Policy provides guidance for coaching and counseling that may be considered before administering discipline. The following procedure should be used when administering discipline. A Level 1 document will not be added to the employee's Human Resources personnel file. Level 2 – 4 Warning/Notifications are sent to Human Resources and added to the employee's personnel file.

### a. ~~Verbal Warnings and Written Warnings~~ Level 1 Warning/Notification

~~Verbal Warnings and Written Warnings~~ Level 1 Warning/Notification is a ~~are~~ levels of formal discipline that ~~do~~ does not require a pre-disciplinary hearing. However, ~~Warnings~~ Level 1's should be issued at a meeting with the employee. The meeting is the time to inform the employee of the factual basis for the discipline, explain expected corrective action and deliver the documentation ~~of~~ Warning. The employee shall be allowed to make comments during the meeting.

~~Verbal Warnings and Written Warnings~~ A Level 1 Warning/Notification will be memorialized in a written document, ~~the Warning,~~ which should be given to the employee at the meeting. The document should include the factual basis for the discipline and the expected corrective action. The document should also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline. The employee shall be required to acknowledge receipt of the ~~Verbal or Written Warning~~ Warning/Notification by signing the document.

### b. Level 2 Warning/Notification

Level 2 Warning/Notification is a level of formal discipline that does not require a pre-disciplinary hearing. However, Level 2 should be issued at a meeting with the employee. The meeting is the time to inform the employee of the factual basis for the discipline, explain expected corrective action and deliver the documentation. The employee shall be allowed to make comments during the meeting.

Level 2 Warning/Notifications will be memorialized in a written document, which should be given to the employee at the meeting. The document should include the factual basis for the discipline and the expected corrective action. The document should also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline. The employee shall be required to acknowledge receipt of

the warning/notification by signing the document.

**c. Level 3 - Final Written Warning/Notification**

Final Written Warning/Notification is an option under Level 3 for those departments that don't want to utilize pay reduction or demotion or if a suspension would present a hardship to the department or be an improper consequence (i.e. to performance, attendance). This is a written warning in lieu of suspension. Final Written Warnings require a pre-disciplinary hearing. The Final Written Warning/Notification shall include the factual basis for the warning and the expected corrective action. The notice shall also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline.

**d. Level 3 - Suspension**

Suspension is a period of time off work without pay. Suspensions require a pre-disciplinary hearing. Written notice of suspension shall be given to the employee. The notice shall include the factual basis for the suspension, the length and details of the suspension, and the expected corrective action. The notice shall also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline.

**e. Level 3 - Pay Reduction**

Pay Reduction is a reduction in an employee's pay rate. Pay Reduction may be a permanent or temporary reduction. The Appointing Authority has the discretion to reduce an employee's pay permanently or temporarily with a minimum of three (3) months to a maximum of twelve (12) months, which should be defined at the time of discipline. A deferred or denied general increase under Rule 3 C.1.e. is not a Pay Reduction under this Rule. Pay Reductions require a pre-disciplinary hearing. Pay Reductions shall be limited to a maximum of five percent. Written notice of Pay Reduction shall be given to the employee. The notice shall include the factual basis for the Pay Reduction, the amount and effective date of the Pay Reduction, and the expected corrective action. The notice shall also inform the employee that additional performance deficiencies or behavior problems, whether similar or not, could result in additional discipline.

**f. Level 3 - Demotion**

Demotion is a change to a position in a pay grade for which the maximum pay rate is lower than that of the employee's current pay grade. Demotions require a pre-disciplinary hearing. Written notice of Demotion shall be given to the employee. The notice shall include the factual basis for the demotion, identify the pay grade and pay rate of the position into which the employee is demoted, the effective date of the demotion, and the expected corrective action. The notice shall also inform the employee that future additional performance deficiencies or behavior problems, whether similar or not, could result in additional disciplinary action. Upon such demotion a probationary employee shall serve the balance of his/her probationary period and a regular status employee shall not be required to serve another probationary period.

**g. Level 4 - Dismissal**

Dismissal is separation from employment. Dismissals require a pre-disciplinary hearing. Written notice of Dismissal shall be given to the employee.

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- Revise the text in Personnel Rule 6, section C.3. Pre-Disciplinary Hearings, as shown below. The text indicated in red underline was added and the text in yellow strikethrough was removed.

**3. Pre-Disciplinary Hearings**

Before issuing a ~~Suspension, Pay Reduction, Demotion or Dismissal~~ Level 3 or 4 Warning/Notification, the Appointing Authority shall provide written notice of his or her intent to administer discipline and offer the employee the opportunity to discuss the situation at a pre-disciplinary hearing.

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- Revise the text in Personnel Rule 6, section D. Retention of Disciplinary Documentation, as shown below. The text indicated in red underline was added and the text in yellow strikethrough was removed.

**D. Retention of Disciplinary Documentation**

Discipline actions shall remain active for at least the minimum time specified below:

<b>Type of Action</b>	<b>Minimum Time Active</b>
<del>Verbal Warning</del> <u>Level 1</u>	6 months
<del>Written Warning</del> <u>Level 2</u>	9 months
<del>Suspension, Pay Reduction, or Demotion</del> <u>Level 3</u>	12 months

If the Appointing Authority has determined the problem necessitating the discipline has been corrected by the employee and additional performance or behavior problems have not occurred during the designated time frame, and/or no other formal disciplinary action has been administered, the disciplines maintained in Human Resources personnel files will be inactivated unless the Appointing Authority requests an extension. ~~the Appointing Authority may request that discipline actions be inactivated.~~ Even if inactive, all documentation will be retained as a part of the personnel file and available in accordance with Chapter 119, Florida Statutes. The determination of the Appointing Authority regarding inactivation is final.

An Appointing Authority, at their discretion, may extend the active period for any disciplinary action when:

- performance or behavior has not been corrected
- additional disciplinary action has been administered while any other disciplinary action is active.

Any active disciplinary action will be extended beyond the timeframe above if additional formal disciplinary action is administered prior to inactivation. The new minimum activation timeframe will be extended, at minimum, to the timeframes specified above related to the type of action taken.

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- Extensive revisions to the text in Personnel Rule 6, Disciplinary Guidelines and Disciplinary Action Ranges table.