

FLORIDA A&M UNIVERSITY BOARD OF TRUSTEES



NOTICE OF AMENDED REGULATION

Date: February 7, 2007

REGULATION CHAPTER TITLE: Human Resources

REGULATION TITLE AND NUMBER: 10.302 Disciplinary and Separation from Employment Actions for University Support Personnel System Employees (USPS)

SUMMARY OF REGULATION: The amended regulation deletes all references to the Board of Regents and its rules which are no longer applicable to the University and provides that the President or President's designee may dismiss an employee for just cause in accordance with University regulations, policies or procedures and any applicable collective bargaining agreement. OPS and USPS employees without permanent status may be separated from employment without requirements of notice or reason and without rights of appeal. The regulation also provides examples of violations of work standards the identification of which is not intended to be inclusive or preclude management from taking appropriate disciplinary action for violations not specifically cited.

AUTHORITY FOR REGULATION: Article IX, Florida Constitution, Board of Governors Regulation Development Procedure dated July 21, 2005; Sections 1001.74 and 1001.75, Florida Statutes.

UNIVERSITY OFFICIAL INITIATING THIS REGULATION: Dr. Janie Greenleaf, Assistant Vice President for Human Resources.

PROCEDURE FOR COMMENTS: Written comments concerning this amended regulation must be submitted within 14 days of the date of this notice to the person identified below.

THE PERSON TO BE CONTACTED REGARDING THE AMENDED REGULATION IS: Dr. Janie Greenleaf, Office of Human Resources, 211 Foote-Hilyer Administration Center, Tallahassee, Florida 32307, (850) 599-3611 (phone), (850) 561-2080 (fax), janie.greenleaf@famuedu.

FULL TEXT OF THE AMENDED REGULATION: The full text of the amended regulation is attached.

Regulations of Florida A&M University



~~6C3-10.337~~ 10.302 **Disciplinary and Separation from Employment Actions for University Support Personnel System Employees**

(1) Scope and Purpose - The purpose of this regulation rule is to establish minimum standards for supervisors and administrators to use in administering discipline for various types of offenses committed by a University Support Personnel System (USPS) employee. Florida A&M University shall take fair and equitable action against an employee who has violated work standards.

- (a) The provisions of this regulation rule are supplemented by ~~Rules 6C-5.950 and 6C-5.955, F.A.C.,~~ and the respective applicable collective bargaining agreement for the employees who are represented by a collective bargaining agent. University Support Personnel System Employees.
- (b) The following guidelines and standards for performance shall govern the manner and extent to which disciplinary action is taken, except that greater or lesser penalties may be imposed, dependent upon the seriousness of the offense and any aggravating or mitigating circumstances. ~~The Director of University Personnel Relations~~ Assistant Vice President for Human Resources provides guidance to University department heads and supervisors in the administration of discipline within these standards.
- (c) Delegation of Authority - The authority to discipline employees resides with the President or President's designee. ~~The President has further delegated the authority to department heads and immediate supervisors to administer written reprimands. All other forms of discipline are administered in writing by the President or President's designee.~~ An employee who resigns from employment shall not have any rights of appeal.
- (d) An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

- (e) The President or President's designee may dismiss an employee for just cause in accordance with University regulations, policies or procedures and any applicable collective bargaining agreement.
 - (f) OPS and USPS employees without permanent status in any class may be separated from employment at any time without requirements of notice or reason and without rights of appeal.
- (2) Types of Disciplinary Action.
- (a) Written Reprimand - For more serious or repeated cases of regulations ~~rules~~ infractions, the supervisor, warns the employee in writing of the specific conduct or performance standard that was violated and places the employee on notice of the next level of discipline if the offense is repeated or the performance fails to improve.
 - (b) Suspension - This is a severe form of discipline which may be administered as a step in progressive discipline following a written reprimand or may be administered as the first discipline for the commission of a serious offense. Suspension is defined as an action taken by the University to temporarily relieve the employee of duties and place the employee on leave without pay. In an extraordinary situation, such as when the retention of a permanent status USPS employee is likely to result in damage to property or is likely to result in injury to the employee, a fellow employee, or some other person, the employee may be suspended immediately.
 - (c) Dismissal - This is the final and most severe form of discipline that may be imposed upon an employee. Dismissal is defined as the action taken by the University to separate an employee from the USPS when continued employment would be counter-productive to the operations and welfare of the University. Dismissal may be appropriate for the first discipline for a serious offense or as the final step in progressive discipline.
- (3) Offenses - Standards for Disciplinary Action. Examples of violations as presented in this subsection are provided as examples and are not intended to be inclusive. The identification of these examples does not preclude management from taking appropriate disciplinary action for violations not specifically cited. The supervisor may recommend more severe disciplinary action provided the circumstances surrounding or resulting from the violation warrant more severe

~~action. The most common occurrences are listed below, but the list is not all-inclusive. The disciplinary actions for the listed offenses have been established to help assure that employees who commit offenses receive similar treatment in like circumstances. The University reserves its right to discipline or to discharge for offenses not enumerated in this list.~~

- (a) Excessive Absenteeism - An attendance record of recurring absences, even though all or a majority of the absences were necessary and/or excused. This also includes a pattern of absences by an employee, such as consistent absences on the day preceding or following the employee's regular days off or absence on the same day of each week or month.
 - 1. ~~First occurrence~~ Written Reprimand.
 - 2. ~~Second occurrence~~ Three (3) to five (5) days suspension.
 - 3. ~~Third occurrence~~ Dismissal.

- (b) Excessive Tardiness and Early Quits - The failure to follow established work schedules, including reporting late at the beginning of the work schedule, leaving early or returning late from lunch or rest breaks, or leaving work early at the end of the work schedule, all without approval.
 - 1. ~~First occurrence~~ Written Reprimand.
 - 2. ~~Second occurrence~~ Three (3) to five (5) days suspension
 - 3. ~~Third occurrence~~ Dismissal.

- (c) Loafing - Continued and deliberate idleness during work periods which results in the employee's failure to perform assigned tasks. This includes deliberately wasting time, engaging in idle talk or ~~including personal computer chat rooms,~~ gossip or conducting personal business during work periods.
 - 1. ~~First occurrence~~ Written Reprimand.
 - 2. ~~Second occurrence~~ Three (3) to five (5) days suspension.
 - 3. ~~Third occurrence~~ Dismissal.

- (d) Negligence - The failure to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion.
 - 1. ~~First occurrence~~ Written Reprimand.
 - 2. ~~Second occurrence~~ Three (3) to five (5) days suspension.

3. ~~Third occurrence~~ ~~Dismissal.~~
- (e) Willful Poor Workmanship, Including Deliberately Not Performing Assigned Duties - The intentional disregard of instructions, procedures, work/performance standards and/or deadlines in the performance of an employee's job duties.
1. ~~First occurrence~~ ~~Written Reprimand.~~
2. ~~Second occurrence~~ ~~Three (3) to five (5) days suspension.~~
3. ~~Third occurrence~~ ~~Dismissal.~~
- (f) Unauthorized Solicitation - The solicitation of an employee by another employee, including the distribution of material, for any purpose not specifically authorized by the State or University while either employee is on duty.
1. ~~First occurrence~~ ~~Written Reprimand.~~
2. ~~Second occurrence~~ ~~Three (3) to five (5) days suspension.~~
3. ~~Third occurrence~~ ~~Dismissal.~~
- (g) Unauthorized Use of State Property, Equipment or Personnel- Each employee is expected to respect the rights of the State and of others to the use and benefit of property. The use of any State property, equipment, or personnel for any purpose other than official State business is strictly prohibited. This includes, but is not limited to the unauthorized use of office supplies, such as postage and stationery, and the unauthorized use of the telephone for personal long distance calls.
1. ~~First occurrence~~ ~~Written Reprimand, three (3) to five (5) days suspension or dismissal.~~
2. ~~Second occurrence~~ ~~Three (3) to five (5) days suspension or dismissal.~~
3. ~~Third occurrence~~ ~~Dismissal.~~
- (h) Improper and/or Careless Use or Operation of Property or Equipment - The improper and/or careless use of State property or equipment (abuse or misuse). This includes, but is not limited to ~~personal use of state vehicles, where prohibited,~~ failure to observe the established speed limit while driving a State vehicle or failure to use seat belts if provided.
1. ~~First occurrence~~ ~~Written Reprimand.~~
2. ~~Second occurrence~~ ~~Three (3) to five (5) days suspension.~~
3. ~~Third occurrence~~ ~~Dismissal.~~

- (i) Leaving Work Station or Duty Assignment Without Authorization - Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. This includes leaving a work area for a lunch, rest break, personal business or at the end of a work schedule without proper relief, where such relief or permission is a specific requirement.
- ~~1. First occurrence Written Reprimand.~~
 - ~~2. Second occurrence Three (3) to five (5) days suspension.~~
 - ~~3. Third occurrence Dismissal.~~
- (j) Unauthorized Taking (Theft) - The unauthorized taking of any property of the State or other employees.
- ~~1. First occurrence Five (5) days suspension or dismissal~~
 - ~~2. Second occurrence Dismissal.~~
- (k) Threatening and/or Abusive Language - The use of language which is threatening or abusive, including but not limited to ethnic or sexist jokes, or remarks, unsolicited familiarity, offensive language, slander, insults, and threats whether directed toward a supervisor, a fellow employee, or a member of the public.
- ~~1. First occurrence Written Reprimand.~~
 - ~~2. Second occurrence Three (3) to five (5) days suspension.~~
 - ~~3. Third occurrence Dismissal.~~
- (l) Horseplay - Actions which, even though intended to be mischievous or prankish, disrupt or have the effect of disrupting the work of the participants or other employees.
- ~~1. First occurrence Written Reprimand.~~
 - ~~2. Second occurrence Three (3) to five (5) days suspension.~~
 - ~~3. Third occurrence Dismissal.~~
- (m) Violation of Safety Practices NOT Resulting in Injury to Others and/or Property - The failure to follow established safety practices. This includes the performance of unsafe acts, or failure to wear and/or use safety equipment.
- ~~1. First occurrence Written Reprimand or five (5) days suspension.~~
 - ~~2. Second occurrence Five (5) days suspension or dismissal.~~
 - ~~3. Third occurrence Dismissal.~~

- (n) Discrimination and Harassment - Actions as defined by ~~Rule 6C3-10.103, F.A.C.~~ Florida A&M University regulations.
1. ~~First occurrence - Written Reprimand, five (5) days suspension or dismissal.~~
 2. ~~Second occurrence - Five (5) days suspension or dismissal.~~
 3. ~~Third occurrence - Dismissal.~~
- (o) Violation of Safety Practices and Safety Rules RESULTING in Injury to Others and/or Property - The failure to follow established safety practices and safety regulations ~~rules~~, including the performance of unsafe acts and/or failure to use safety equipment.
1. ~~First occurrence - Five (5) days suspension.~~
 2. ~~Second occurrence - Dismissal.~~
- (p) Gambling - The active participation by an employee in an unlawful game of chance in which money, goods or services could be won by the employee.
1. ~~First occurrence - Five (5) days suspension.~~
 2. ~~Second occurrence - Dismissal.~~
- (q) Dozing, Sleeping on Duty - The failure of an employee to remain awake while on duty during work periods.
1. ~~First occurrence - Written Reprimand.~~
 2. ~~Second occurrence - Three (3) to five (5) days suspension.~~
 3. ~~Third occurrence - Dismissal.~~
- (r) ~~(t)~~ Failure To Follow Directions - When an employee makes little or no attempt to comply with a written or oral work assignment.
- (s) Insubordination - A deliberate and inexcusable refusal or failure to obey a reasonable order which relates to an employee's job function. This includes an unwillingness to submit to authority, ~~failure to follow oral or written instructions from a supervisor~~ and/or includes both an expressed refusal to obey a proper order, as well as a deliberate failure to carry out an order.
1. ~~First occurrence - Written Reprimand.~~
 2. ~~Second occurrence - Five (5) days suspension or dismissal.~~
 3. ~~Third occurrence - Dismissal.~~

- (st) Unauthorized Use or Threatened Use of Weapons - This includes the open display of a weapon as a threat to a co-worker, supervisor or person in authority with or without verbal threat of violence.
1. ~~First occurrence Five (5) days suspension.~~
 2. ~~Second occurrence Dismissal.~~
- (tu) Assault or Battery/Fighting or causing a Disturbance - A physical assault or battery on or fighting with another employee or a member of the public while on University property or while on job duty.
1. ~~First occurrence Written reprimand or five (5) days suspension or dismissal.~~
 2. ~~Second occurrence Five (5) days suspension or dismissal.~~
 3. ~~Third occurrence Dismissal.~~
- (uv) Drinking on the Job or Reporting to Work Under the Influence of Alcohol - The State policy on alcoholism provides that when the drinking of an employee affects the employee's work performance, the employee is a problem drinker. The problem drinker, once identified, will be counseled and encouraged to secure appropriate medical or other professional help. The problem drinker shall not be disciplined until after he/she has had an opportunity to seek treatment. If the problem drinker refuses to recognize his/her condition and fails to seek help; fails to complete the program of treatment; or treatment is unsuccessful, discipline shall be administered. However, if public relations or working conditions are obviously and adversely affected by the problem drinker's behavior, the employee's removal from the job shall be accomplished by placing the employee on compulsory leave.
1. Drinking of any alcoholic beverage on the job is prohibited.
 - a. ~~First occurrence Three (3) to five (5) days suspension.~~
 - b. ~~Second occurrence Dismissal.~~
 2. Reporting to work under the influence of alcohol is prohibited.
 - a. ~~First occurrence Written reprimand or five (5) days suspension.~~
 - b. ~~Second occurrence Five (5) days suspension or dismissal.~~
 - c. ~~Third occurrence Dismissal.~~

(vw) Sabotage - Participation in or act of destruction or attempted destruction of State property or equipment.

1. ~~First occurrence Dismissal.~~

(xw) Falsification of Records - This includes misrepresentation, falsification or omission of any fact, whether verbal or written, of work and production records including, but not limited to attendance and leave, employment status, employment application, travel vouchers, work orders, expense accounts, and payroll certifications.

1. ~~First occurrence Written reprimand, five (5) days suspension or dismissal.~~

2. ~~Second occurrence Five (5) days suspension or dismissal.~~

3. ~~Third occurrence Dismissal.~~

(xy) Lying – Statements, written or oral, that are deliberately inaccurate, incorrect, or misleading.

(z) Reporting to Work Under the Influence of or Use of Illegal Drugs.

1. The use of any illegal drug on the job is prohibited.

a. ~~First occurrence Three (3) to five (5) days suspension or dismissal.~~

b. ~~Second occurrence Dismissal.~~

2. Reporting to work under the influence of any illegal drug is prohibited.

a. ~~First occurrence Written reprimand or five (5) days suspension.~~

b. ~~Second occurrence Five (5) days suspension or dismissal.~~

c. ~~Third occurrence Dismissal.~~

3. Positive results as a result of the University's drug screening procedure may lead to dismissal.

4. Refusal to take drug screen may lead to dismissal.

(yaa) Willful Violation of University Written Rules Regulations, Regulations and Policies; or Willful Violation of State Laws - This includes the willful disregard of internal department written rules regulations and policies.

1. ~~First occurrence Written reprimand, five (5) days suspension or dismissal.~~

2. ~~Second occurrence Five (5) days suspension or dismissal.~~

~~3. — Third occurrence — Dismissal.~~

~~(zbb)~~ Strikes of Concerted Work Activity - Instigating a strike or supporting a strike in any manner. A strike is defined as: the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term "strike" shall also mean any overt preparation, including, but not limited to, the establishment of strike funds with regard to the above-listed activities.

~~1. — First occurrence — Dismissal.~~

~~(aac)~~ Possession, Sale, Distribution of Alcoholic Beverages or Illegal Drugs - The possession, sale, or distribution of alcoholic beverages or illegal drugs on State property or on the job is prohibited.

~~1. — First occurrence — Five (5) days suspension or dismissal.~~

~~2. — Second occurrence — Dismissal.~~

~~(bbdd)~~ Conviction of a Crime - The conviction of an employee for a crime where such conviction adversely affects the employee's ability to perform his/her job, or which adversely affects the University's ability to carry out its assigned mission.

~~1. — First occurrence — Written reprimand, five (5) days suspension or dismissal~~

~~2. — Second occurrence — Five (5) days suspension or dismissal.~~

~~3. — Third occurrence — Dismissal.~~

~~(eee)~~ Conduct Unbecoming a Public Employee - Conduct, whether on or off the job, that adversely affects the employee's ability to continue to perform his/her current job, or which adversely affects the University's ability to carry out its assigned mission.

- ~~1. First occurrence Written reprimand, five (5) days suspension or dismissal.~~
 - ~~2. Second occurrence Five (5) days suspension or dismissal.~~
 - ~~3. Third occurrence Dismissal.~~
- ~~(dff)~~ Rudeness to the Public – Impolite, unfriendly, or uncooperative language or actions toward the public.
- ~~(gg)~~ Unauthorized Leave of Absence - Absence from work of less than three consecutive workdays without prior permission of the appropriate supervisor.
- ~~1. First occurrence Written Reprimand.~~
 - ~~2. Second occurrence Three (3) to five (5) days suspension.~~
 - ~~3. Third occurrence Dismissal.~~
- ~~(eehh)~~ Unsatisfactory Work Performance Including Continuing Inefficiency, Inability to Perform Assigned Duties or Substandard Performance of Assigned Duties. The failure to satisfactorily meet the minimum performance standards that specifically relate to the employee's duties and responsibilities.
- ~~1. First occurrence: Written Reprimand.~~
 - ~~2. Second occurrence: Three (3) to five (5) days Suspension.~~
 - ~~3. Third occurrence: Dismissal.~~
- ~~(ii)~~ Giving or Accepting a Bribe – For appointment or promotion to a University position, for student registration or grade, for award of contract.
- ~~(jj)~~ Misuse of Position – Abuse of powers of authority that accompany the position for personal reasons, such as to assist friends or family for financial gain.
- ~~(kk)~~ Political Campaigning – During work hours, coercing a State employee to support or contribute to a political issue, candidate, or party.
- ~~(4)~~ All appealable disciplinary actions shall be communicated to the employee as prescribed by the applicable Board of Regents rules and/or collective bargaining agreements.

Specific Authority ~~240.227(1), (27), 240.261~~110.205(2), 1001.74, FS. Law Implemented 110.205(2), 240.132, 240.202, 240.227(5), 240.261 FS. History-New 6-27-96, Amended 6-3-01,

Coding: ~~Strikeover~~ indicates deletions; underlining indicates additions.