10.01 Intent

The intent of this chapter is not to restrict the rights of employees, but to protect the rights of all and ensure equality. There shall be no discrimination against an employee because of race, color, national origin, ancestry, sex, gender, gender identity or expression, sexual orientation, age, disability, marital status, pregnancy, familial status, religion, or political affiliation. Executive Service employees are "at will" employees, therefore disciplinary procedures are not applicable.

10.02 Administration of Discipline

The immediate supervisor has the authority to give an oral or written warning and effectively recommend to the appropriate authority other disciplinary action. In cases of fighting, threat or use of weapon on the job, the possession of illegal substance, intoxicant or abuse of county property, the supervisor has the authority to suspend immediately. The authority to administer all other disciplinary action is vested with the Department Director, Division Director, County Administrator or their designees. The immediate supervisor must make recommendations. Disciplinary action should be administered in a progressive manner.

10.03 Types of Actions

10.03.1 Oral Warning

This is the least severe disciplinary action. It should serve as an "alert mechanism" to establish more satisfactory performance or behavior. A written account including the date and nature of the oral warning shall be made for the department's reference. An employee shall be advised when an oral warning is being made.

10.03.2 Procedure: Oral Warning

1. The immediate supervisor of an employee is authorized to give a verbal warning to an employee in order to establish or reestablish satisfactory performance or behavior. An effective oral warning includes a clear description of the correct performance or behavior which is desired and notice to the employee that the conversation is to be considered an oral warning.

2. The supervisor documents such oral warning in an informal written record (incident file). Such documentation should include the date of the oral warning and, if possible, a brief summary of the conversation to include major points, requests, suggestions, directions, etc. given by the supervisor and any remedial action agreed upon by the employee.

10.03.3 Written Warning

This is a disciplinary action whereby the employee is notified in writing of unsatisfactory conduct or performance. The employee shall receive a copy of the written warning and the original shall be forwarded to the Human Resources Office for inclusion in the employee's personnel file. This action is grievable.

10.03.4 Procedure: Written Warning

1. Although the immediate supervisor has the authority to issue a written warning, before doing so consultation with the Human Resources Director is advisable. Such consultation may provide assistance in assuring fairness and consistency of discipline across departmental lines and in developing language for the written warning which is fair, clear, accurate, and less susceptible to challenge through a grievance procedure.

2. The supervisor prepares a written warning on the Employee Discipline Report Form and makes an appointment with the employee to discuss it in private. A good written warning should include a clear description of the correct behavior which is expected, reference to the fact that the written notice constitutes a written warning and a statement that continued unsatisfactory performance or conduct will result in more severe disciplinary action.

3. Following discussion with the employee, the original of the Employee Discipline Report Form is forwarded to the Human Resources Division though line management for inclusion in the employee's personnel file.

4. The employee must be told that this action is grievable.

10.03.5 Suspension

1. An employee may be suspended with or without pay for disciplinary reasons for a length of a time that the County considers appropriate provided it does not exceed fourteen (14) calendar days. The period of suspension may be extended with approval of the County Administrator. If an employee again becomes subject to disciplinary action (except oral warning) within twelve (12) months after being suspended, he or she may be terminated. Unless outlined in the administration of discipline, this action is grievable. This action may only be taken with the approval of the Human Resources Director.

2. If a workplace situation necessitates the immediate removal of an employee from the work site, such an employee may be immediately suspended by the supervisor and directed to report back to the supervisor at a date and time certain (within two (2) working days) concerning further disposition of the matter.

10.03.6 Procedure: Suspension

1. When employee conduct warrants consideration of suspension, the supervisor gathers from the employee involved and witnesses (if appropriate) all possible information concerning the improper conduct. The supervisor then notifies the employee that following consideration of all facts, the supervisor will notify the employee of a decision concerning any disciplinary action to be taken. Investigations will be conducted as quickly as administratively possible. Once the investigation is completed, employees will be notified of action to be taken within two (2) working days.

2. In an emergency situation involving the necessity to immediately remove the employee from the worksite, an employee may be suspended "pending further disposition of his or her case" and directed to report back to the supervisor at a time certain concerning further disposition of the case. This appointed time will be within two (2) working days of the incident, and the employee will be so notified.

   Following a thorough investigation, the supervisor or other representative of the County consults with the Human Resources Director concerning the proposed disciplinary action to be taken. The purpose of such consultation is to assist in assuring fairness and consistency of discipline county-wide, and to assist with the procedures and preparation of documentation, so that proper and

correct procedures are followed.

3. Following such consultation with and approval by the Human Resources Director, the appropriate person shall prepare a Personnel Action Form and an Employee Disciplinary Report Form, which includes a clear statement of disciplinary action to be taken as well as the reason for the action. These are both forwarded to Human Resources with a copy of the Employee Disciplinary Report Form going to the employee.

4. The supervisor meets with the employee to explain the disciplinary action to be taken, the reasons behind the discipline, the nature of the correct conduct which is expected in the future, and the fact that continued unsatisfactory conduct will be dealt with utilizing more severe disciplinary action, including possible termination of employment.

10.03.7 Demotion

This action involves moving an employee from a position in one class to a different position in another class having a lesser degree of responsibility and a lower pay range. Proposed action must be approved by the Division Director and is generally performance based. This action is grievable.

This action may only be taken after consultation with the Human Resources Director.

10.03.8 Procedure: Demotion

1. Following collection of all facts concerning a performance or discipline problem, the supervisor or other hiring authority consults with the Human Resources Director concerning the possible demotion of the employee.

2. If demotion is determined to be an appropriate alternative, the Division Director consults with the Human Resources Director concerning the specifics of the demotion and the Human Resources Director's recommendation concerning a new rate of pay following demotion.

3. The supervisor meets with the employee and explains the action being taken (demotion), the reasons for this action, that a trial period shall be served following reassignment to the new position, and that review of the decision may be requested through the grievance procedure.

4. The supervisor completes a Personnel Action Form and an Employee Disciplinary Report Form, which clearly states the reasons for the action. A copy of the Personnel Action Form and the Employee Disciplinary Report Form are furnished to the employee. The original Personnel Action Form and Employee Disciplinary Report Form are forwarded to the Human Resources Division.

10.03.9 Termination

Termination is the most severe form of discipline. Terminations may be necessary due to unacceptable personal conduct, unsatisfactory work performance, or failure to observe County rules and regulations. This action may only be taken after consultation with the Human Resources Director.

10.03.10 Procedure: Termination

1. The procedure for termination is outlined in Section XII of this manual.

10.04 Application of Disciplinary Action to Offenses

The severity of any disciplinary action should be related to the gravity of the offense, the employee's work and discipline record, length of County service, and past County practice in similar cases. When employees are disciplined for the same or similar offenses, the disciplinary action should be progressive.

10.05 Guidelines for Disciplinary Action for First Offenses

Listed below are guidelines for disciplinary action involving first offenses. The list is not intended to be exhaustive nor are the suggested actions for any offense required. The circumstances of each case shall govern the disciplinary action.

A. Misconduct Normally Resulting in an Oral Warning

1. Absenteeism;

2. Tardiness; and
3. Failure to perform assigned duties properly or in a timely manner.
4. Failure to notify supervisor of absences.
5. Failure to follow documented office practices, procedures and protocol.

B. Misconduct Normally Resulting in a Written Warning for First Offense

1. Absence without authorized leave;
2. Offensive conduct or abusive language;
3. Improper use of County equipment;
4. Leaving assigned work station without permission, when responsibility mandates a presence; and
5. Abuse of sick leave.

C. Misconduct Normally Resulting in Suspension for First Offense

1. Flagrant violation of safety rules, resulting in a dangerous situation;
2. Insubordination; (i.e. including but not limited to intentional failure or refusal to carry out directive from supervisor(s).
3. Sleeping on the job;
4. Fighting;
5. Inappropriate conduct resulting in a violation of County policy.

D. Misconduct Normally Resulting in Termination for First Offense

1. Conviction of a felony;
2. Abuse or theft of County property;
3. Willfully making false statements about the County or its employees;
4. Falsification of records such as, but not limited to, time and attendance, employment history, travel vouchers;
5. Illegal acceptance of gratuities;
6. Possession or use of intoxicants or controlled substances on the job;
7. Violence leading to the injury of another or destruction of County property;
8. Abandonment of job (three successive work days missed without notification to supervisor); and
9. Threat or use of weapon on the job.
10. Violation of EMS Medical Protocols
11. Sexual Harassment, Workplace Harassment or Workplace Violence
12. Discrimination

10.06 County Standards

It is the policy of the County that what a person does on his or her own time is exclusive of employment with the County. However, such policy is not absolute. If an employee's outside conduct impairs the reputation of the County; causes the employee to be unable to perform work or appear at work; or leads to refusal or reluctance on the part of others to work with the employee, barring protection under law; then the appropriate supervisory authority is justified in taking disciplinary action. When an employee is on County property, he or she is subject to the County's work standards. Furthermore, an employee officially representing the County at a location other than his or her normal place of work is accountable for compliance with the County's policies, procedures, and standards.

10.07 Division Work Rules

Subject to the approval of the Human Resources Director, Division Directors are authorized to establish certain work rules and regulations governing their operations in regard to hours of work, employee conduct, and work procedure, as long as these rules do not conflict with those specified in this manual. All employees are required to adhere to departmental rules, as well as all County rules and procedures. Violation of these rules on the part of the employee may result in disciplinary action.

10.08 EMS Medical Control Authorization

Paramedics and Emergency Medical Technicians (EMTs) are certified by the State of Florida and are required to work under the supervision of the Leon County EMS Medical Director (Medical Director). The Medical Director has full authority either to permit or not permit a Paramedic or EMT to operate under his/her supervision. Should a Paramedic or EMT fail to maintain appropriate certification under Chapter 401, Florida Statutes, fail to comply with standards of care consistent with the most recent Basic National Standard Curricula for EMT and Paramedic programs or fail to comply with Medical Protocols adopted by the Medical Director, then the Paramedic or EMT may be terminated from employment.