

NOTICE OF PROPOSED REPEAL OF REGULATION

The University of West Florida

April 20, 2010

REGULATION TITLE: UWF/REG 2.011 Career Service Work Standards, Violations of Work Standards, and Disciplinary Actions.

PURPOSE AND EFFECT: It is proposed to repeal this regulation because it is obsolete.

AUTHORITY FOR REGULATION: Florida Board of Governors Regulation 1.001(5); Section 1001.74, Florida Statutes.

NAME OF UNIVERSITY OFFICIAL INITIATING PROPOSED REGULATION REPEAL:

Sherell Hendrickson, Associate Vice President, Human Resources.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION

IS: James Felder, Associate General Counsel, jfelder@uwf.edu, Phone (850) 474-3420; FAX (850) 857-6058; Bld. 10/Rm 128; 11000 University Parkway; Pensacola, FL 32514-5750. Any comments regarding the proposed repeal of this regulation must be sent in writing to the contact person on or before May 4, 2010 to receive full consideration.

THE DATE THIS NOTICE WAS POSTED ON THE UWF BOARD OF TRUSTEES

WEBSITE: April 20, 2010

THE FULL TEXT OF THE REGULATION TO BE REPEALED IS SET FORTH BELOW

University of West Florida Regulation

UWF/REG-2.011 Career Service Work Standards, Violations of Work Standards, and Disciplinary Actions.

- (1) The University of West Florida shall take fair and equitable disciplinary action against an employee who has violated work standards.
- (2) The following words and phrases when used in this chapter, unless the context clearly indicates otherwise, have the following meanings:
 - (a) Work Station – That area defined by the supervisor, however large or geographically diverse, that would be covered by an employee in the performance of his or her duties. It may vary from the position description and the official headquarters.
 - (b) Property – Any tangible item of value, regardless of amount, such as personalty, real estate, motor vehicles, boats, fuel, lodging accommodations; or services such as telephone, electricity and water.
 - (c) Unauthorized Use – Use of property in a manner, place, time, or for a purpose other than intended or authorized, or contrary to the State’s interests.
 - (d) Misuse – Careless or negligent use of property.
 - (e) Abuse – Intentionally negligent use of property resulting in damage.
 - (f) Discourteous Language or Actions – Language or actions that are impolite, unfriendly, or uncooperative.
 - (g) Threatening or Abusive Language – Language that is clearly menacing, damaging, or injurious to another, including but not limited to vulgar, offensive, slanderous, discriminatory, sexist, or ethnic remarks.
 - (h) Threatening or Abusive Actions – Acts that express a present intent to injure or damage another or which actually result in injury or damage to another.
 - (i) Weapons – Firearms, explosives, or other instruments that, when put to their intended use, could be used to injure or damage.
 - (j) Unsafe Actions – Acts by which an individual endangers himself or herself or others or property and which would be recognized by a reasonable person as being dangerous or which are prohibited by University safety rules.
 - (k) University – The University of West Florida.
 - (l) Employee of the University of West Florida – Any individual who is filling an established Career Service position.
 - (m) Work Standard – The criterion established by which the quality of job-related effort, results, and behavior is measured.
 - (n) Director of Personnel – Director of University (West Florida) Personnel Relations.
- (3) Work standards and examples of violations as presented in subsection (15) of this rule 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 work standard violation warrant more severe action.
 - (a) Time Management, Work Effort, Work Station.
 1. Work Standard – Each employee of the University of West Florida is expected to put forth his or her best effort and to manage his or her work time for maximum efficiency and effectiveness. Each employee should be at his or her work station during work hours unless excused or on authorized leave.
 2. Examples of Violations.
 - a. Excessive Tardiness – when an employee does not adhere to established and approved work hours and/or develops a pattern of lateness that adversely affects an employee’s work or the work of others or that is inconsistent with the position description, personnel Rules, or University policies and procedures.
 - b. Unauthorized absence from Work Station – failure of the employee to obtain permission from his or her supervisor to leave or be away from the work station.
 - c. Unauthorized Leave – failure of the employee to obtain approval from his or her supervisor to be absent. This includes taking leave after it has been disapproved as well as taking leave without approval.
 - d. Loafing, Dozing, and Sleeping While At Work or On Duty – Loafing includes wasting time, chatting and horseplay as well as such non-work related activities as balancing a personal checkbook, reading the newspaper, or non-work related books and other materials, conducting personal business over the telephone, or writing personal letters during work hours.
 - e. Abuse of Alcohol During Work Hours – reporting to work under the influence of any intoxicants in amounts which prevent the employee from coherently or satisfactorily carrying out his or her duties and responsibilities; sale, use, or distribution of alcohol at work. Use of alcohol shall be handled in accordance with the State Policy on Alcoholism and subsection (14) of this rule.
 - f. Abuse of Drugs During Work Hours – reporting to work under the influence of drugs in an amount which prevents the employee from coherently or satisfactorily carrying out his or her duties and responsibilities; sale, use or

distribution of illegal drugs at work.

(b) Performance of Duties.

1. Work Standard – each employee of the University of West Florida is expected to perform to the best of his or her ability the duties and responsibilities set forth in his or her job description. Each employee of the University of West Florida is expected to give complete and accurate information to co-workers and the general public. In a work-related situation, employees shall not deliberately make oral or written statements that are false or misleading.

2. Examples of Violations.

a. Failure to Follow Instructions – when an employee makes little or no attempt to comply with a written or oral work assignment.

b. Insubordination – when an employee refuses or deliberately fails to comply with a work assignment.

c. Falsification of Records – deliberate misrepresentation of fact on official documents such as employment application, expense account, leave records, personnel file, permit application.

d. Lying – statements, written or oral, that are deliberately inaccurate, incorrect, or misleading.

(c) Property Rights.

1. Work Standard – each employee of the University of West Florida is expected to respect the rights of the State and of others to the use and benefit of property. Unauthorized use, misuse, and abuse of State property is strictly prohibited.

2. Examples of Violations.

a. Theft – stealing the property of the State, co-workers, contractors, or anyone else while at work or in work situations.

b. Unauthorized Use of State Property – using a University boat for personal recreation, making personal long distance telephone calls charged to a department telephone, using State property such as copying machines or typewriters for personal business, using a State vehicle for personal errands.

c. Misuse or Abuse of State Property or Equipment – using lab equipment to prepare food, striking equipment so hard as to damage it, reckless driving or handling of a State motor vehicle or boat.

(d) Personal Rights.

1. Work Standard – each employee of the University of West Florida is expected to respect the personal rights of others. While on State property or in a work-related situation, employees should refrain from discourteous language or actions directed toward co-workers or any member of the public. Threatening or abusive language or actions directed toward others is prohibited. Display of a weapon in a careless, reckless, angry, menacing, or threatening manner is prohibited.

2. Examples of Violations.

a. Rudeness to the Public – impolite, unfriendly, or uncooperative language or actions toward the public.

b. Threatening or Abusive Language – ethnic or sexist jokes, or remarks, unsolicited familiarity, offensive language, slander, insults, or threats toward others.

c. Threatening or Abusive Actions – fighting, physical abuse, unsolicited familiarity, horseplay that is carried too far, as well as incidents in which serious harm is threatened.

d. Threatening or Abusive Actions Involving a Weapon – fighting, physical abuse, unsolicited familiarity, horseplay that is carried too far, as well as incidents in which serious harm is threatened with a weapon.

(e) Safety Practices.

1. Work Standard – each employee of the University of West Florida is expected to conduct himself in a manner which seeks to protect people and property from unsafe actions. The possession or use of firearms, explosives, or other dangerous weapons is prohibited on State property or in work-related situations unless specifically authorized for the performance of a work assignment.

Employees are expected to adhere to agency, State and manufacturers safety rules, policies, regulations, and practices.

2. Examples of Violations.

a. Violation of Disregard of Safety Practices – horseplay, careless driving or handling of equipment.

b. Possession or Use of Weapons – use of weapons for purposes other than their work-related intent, reckless display of weapons, threatening with weapons.

(f) Violation of Laws.

1. Work Standard – each employee of the University of West Florida is expected to obey all Federal, State, or local laws while on State property, using State watercraft and vehicles or in a work-related situation. Failure to do so subjects the employee to disciplinary action as well as penalties under the law.

2. Examples of Violations.

a. Discrimination with Respect to Employment – on the basis of race, color, creed, sex, age, handicap, religious creed, national origin, sexual orientation, or political opinions or affiliations.

b. Giving or Accepting a Bribe – for appointment or promotion to a University of West Florida position, for student registration, for award of contract.

c. Political Campaigning – during work hours, coercing a State employee to support or contribute to a political issue, candidate, or party.

d. Other Statutory Prohibitions – such as gambling, possession or distribution of illegal drugs, exceeding speed limits, violating local ordinances or federal regulations.

e. Conflict of Interest – Chapter 112, Part III, Florida Statutes.

f. 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.

(g) Violation of University of West Florida Rules, Regulations, Policies or Procedures.

1. Work Standard – each employee of the University of West Florida is required to know and follow the written rules, regulations, policies and procedures of the University which apply to his or her area of responsibility as well as the administrative rules, regulations, policies, and procedures.

2. Examples of Violations – willful violation of written rules, regulations, or policies – violation of safety rules, smoking while on duty in areas that have been designated as non-smoking areas, violation of administrative policies and procedures of the Personnel Manual.

(4) Immediate supervisor determines level of disciplinary action – supervisor must decide that disciplinary action will be taken [see subsection (5)] and shall take such action in accordance with the Standards of Disciplinary Action. This will depend on consideration of all pertinent facts and circumstances including, but not limited to: employee's past record (performance and longevity, prior violations); severity of the violation; past disciplinary action for similar infringements.

(a) Disciplinary action must be initiated as soon as possible after the supervisor has knowledge of the violation.

(b) Employees must be made aware that disciplinary action is being taken and why. In other words, an oral reprimand must be distinguished from a mere "calling down". It is the duty of the supervisor to impress the seriousness of the offense on the employee. Documentation of an oral reprimand should be brief, but complete, giving at least the offense, date, place, factual circumstances, names of others present or involved, date of reprimand, employee response, and special comments.

(5) Disciplinary actions described within this section may be implemented by the designated level of supervisor.

(a) Immediate supervisor may, as appropriate:

1. Use corrective consultation with subordinates (this is not considered disciplinary action, but rather is used to ensure that the subordinate understands work rules and standards, assignments, policies, procedures, and rules before disciplinary action is taken);

2. Issue oral reprimands without prior review or approval of a higher-level supervisor;

3. Issue written reprimands. Prior to issuing a written reprimand, the immediate supervisor must obtain approval from the next higher-level supervisor and consult with the Director of University Personnel Relations. After it is issued, a copy of the written reprimand will be provided to the Personnel Office for inclusion in the employee's official personnel file.

4. In accordance with subsection 60K-5.013(12), F.A.C., the Personnel Director may place an employee on up to ten days administrative leave until an investigation is completed to determine if disciplinary action should be taken; 5. Document substandard work performance and violations of disciplinary standards;

(b) Higher-level supervisor may, as appropriate:

1. Approve the issuance of a written reprimand after consultation with the Personnel Director.

2. In the absence of the supervisor, take disciplinary action as authorized for the immediate supervisor; 3. Take disciplinary action against an employee when the immediate supervisor of that employee refuses to take appropriate disciplinary action against the employee;

(c) Director of University Personnel Relations may:

1. Place an employee on up to ten days of administrative leave pending the outcome of an investigation of an alleged violation which may result in dismissal when the employee's absence from the work location is essential to the investigation.

2. Upon recommendation by the immediate supervisor or higher-level supervisor, and after investigation, suspend or dismiss an employee;

3. Conduct predetermination conferences; sign notices of suspension and dismissal.

(d) Appropriate Vice President or designee may:

1. Conduct predetermination conferences; sign notices of suspension and dismissal;

2. Upon recommendation by the immediate supervisor or higher-level supervisor, and after investigation, suspend or dismiss an employee.

(6) Progressive discipline for cumulative offenses is utilized when an employee has demonstrated, despite warnings, a refusal and/or inability to act in accordance with acceptable and reasonable work standards. The disciplinary action is progressive in that the employee will be disciplined for each subsequent offense in accordance with the next step for the previous offense. The offenses involved need not be identical in nature to be cumulative or for the discipline to be progressive. Therefore, if an employee, within a one year period, commits two similar major offenses, consideration might be given to dismissing the employee. For example, to commit the major offenses of theft and record falsification within a one year period would warrant dismissal.

(a) New Employees – A new employee who does not have permanent status in any Career Service class may be dismissed for any single offense listed in this policy or for other appropriate reasons. New employees who are dismissed during the probationary period should be advised that they have failed to satisfactorily complete the probationary period.

(b) Permanent Employees – for employees who have permanent status in the Career Service, the basic pattern of discipline is progressive and cumulative. Specifically, reprimands are retained on record and can have a cumulative effect leading to more serious discipline up to and including dismissal. Once a reprimand is issued, it becomes a permanent part of the employee's record. Although the reprimand is never physically removed, it will be considered to have served its purpose one year from the date of issuance, unless there has been one or more subsequent reprimands issued during that year's period. In other words, if one year lapses without a reprimand being issued to the employee, all previous reprimands will be considered inactive in the application of cumulative discipline for conduct considered minor offenses.

(7) Procedure for oral reprimand is in response to an infraction by an employee which is considered minor. The immediate supervisor must be willing to document the incident in writing and follow through with more severe disciplinary action if the activity is repeated. This activity might not be reflected in a performance evaluation.

(a) Immediate supervisor investigates reported or observed violation.

(b) After the immediate supervisor determines that the severity of the violation warrants an oral reprimand, the immediate supervisor gives the employee an oral reprimand in private. The employee shall be advised that he/she is receiving an oral reprimand.

(c) Oral reprimand is briefly documented in memorandum format from the immediate supervisor to the employee with a copy to the Personnel Office for inclusion in the employee's personnel file. The memorandum shall include: employee's name, supervisor's name, work standard violated, date of violation, date of oral reprimand; future violations may result in further and possibly more severe disciplinary action.

(8) Procedure for written reprimand is in response to a violation by the employee which is more serious than an infraction which warrants an oral reprimand and has a negative impact on the work environment, productivity, or the morale or other employees.

(a) Immediate supervisor investigates reported or observed violation including the interview of employee and witnesses.

(b) After determining that the severity or frequency of the violation warrants a written reprimand, the immediate supervisor obtains approval from the next higher-level supervisor to issue a written report and consults with the Director of University Personnel Relations concerning the proposed disciplinary action.

(c) The written reprimand should be in memorandum or letter format, from the immediate supervisor to the employee, with copies provided to the Director of University Personnel Relations, for inclusion in the employee's personnel file, and the employee's next higher-level supervisor. The memorandum should contain a signature line for employee acknowledgment of receipt, and should be presented to the employee in a private conference when applicable.

(9) Procedure for suspension without pay is in response to a violation by the employee which is more serious than an infraction which warrants a written reprimand and results in threatened or actual damage to State property, possible or actual harm to himself or others, prevents completion of a major work assignment or continually disrupts the work unit, or represents a lack of due care on the part of the employee. The employee's past work record does not warrant permanent removal from the University. The specific violation does not warrant dismissal.

- (a) The immediate supervisor investigates the reported or observed violation including the interview of witnesses and employee.
- (b) After determining that the severity or frequency of the violation warrants suspension without pay, the immediate supervisor recommends to the Personnel Director that the employee be suspended without pay, the duration of such suspension, and the rationale behind the decision to suspend the employee.
- (c) If the Personnel Director agrees, the Personnel Director notifies the employee in writing of the proposed suspension [see subsection (11)].
- (d) The President, the appropriate Vice President, or the Personnel Director conducts a presuspension meeting to hear the employee's side and to affirm or alter the action proposed [see subsection (12)].
- (e) Suspension without pay is appealable by the employee to the Career Service Commission within 20 days after receipt of the official notice of such action, or if the employee is in a certified bargaining unit, the employee may file a grievance under the contract. Supervisors shall consult the appropriate contract and the Personnel Office in the event a contract grievance is filed by the employee.
- (10) Procedure for dismissal is in response to a violation by the employee which results in actual damage to State property, actual harm to himself or others, prevents completion of a major work assignment, or continually disrupts the work unit or represents a lack of due care on the part of the employee and/or the employee's past record warrants permanent removal from the University.
- (a) Immediate supervisor investigates reported or observed violation including the interview of witnesses and employee.
- (b) After determining that the severity of the violation warrants dismissal, the immediate supervisor recommends to the Personnel Director that the employee be dismissed.
- (c) If the Personnel Director agrees, the Personnel Director notifies the employee in writing of the proposed dismissal [see subsection (11)].
- (d) The President, the appropriate Vice President or the Personnel Director conducts a pretermination meeting to hear the employee's side and to affirm or alter the action proposed [see subsection (12)].
- (e) Dismissal is an action appealable to the Career Service Commission within 20 days after receipt of the official notice of such action, or if the employee is in a certified bargaining unit, the employee may file a grievance under the contract. Supervisors shall consult the applicable contract and the Personnel Office for specifics.
- (11) Notice of suspension or dismissal shall be in accordance with procedures set forth in Rules 60K-9.0041 through 9.0046, F.A.C.; be signed by the Personnel Director or other individual, such as the President or appropriate Vice President authorized to make the final decision, and addressed to the employee, and be sent by certified mail – return receipt requested. In addition, the notice may be delivered to the hand of the employee. The mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.
- (12) Presuspension and pretermination conferences shall be conducted by the Personnel Director, appropriate Vice President or appropriate designee, and in accordance with Sections Rules 60K-9.0043, 60K-9.0044, and 60K-9.0045, F.A.C.
- (13) Extraordinary situations may call for procedures which may be invoked only with the approval of the Director of Personnel and in accordance with Rule 60K-9.0046, F.A.C.
- (14) Alcoholism and alcohol abuse, manifested by problem drinking, alcoholism and habitual drunkenness shall not be handled as a disciplinary problem unless the employee refuses to attempt to resolve the problem or efforts toward rehabilitation fail.
- (a) Through the Employee Assistance Program, the employee will be asked to enroll in a detoxification program. The employee may be placed on compulsory disability leave during this time if the employee has enough accrued leave credits; otherwise, the employee may be placed on leave without pay.
- (b) An employee who reports to work under the influence of alcohol or who uses alcohol on the job will be sent home and charged leave. (Sick leave credits will be charged first, then regular compensatory, annual, special compensatory, and leave without pay). Disciplinary action will be taken depending on factors such as the severity of the violation of the work standard and impact on the University and work unit.
- (c) An absence without authorized leave shall be handled in accordance with subsection 60K-5.002(5), F.A.C., (Personnel Rules and Regulations).
- (d) If the employee refuses to attempt to resolve the problem or efforts fail, the employee shall be terminated.
- (15) Work standards and standards for disciplinary action are contained in Exhibit A.

SEE FLORIDA ADMINISTRATIVE CODE FOR “EXHIBIT A”

Specific Authority 110.201(2), 240.22 7(1) FS. Law Implemented 110.201 (2) FS. History—New 12-8-80, Formerly 6C6-2. 11. History – Formerly FAC Rule 6C6-2. 011 adopted 12/8/80. Converted to UWF/REG 2.011-7/21/05, Repealed_____.