

HUMAN RESOURCES POLICY/PROCEDURE		No. HR-015
OFFICE OF PRIMARY RESPONSIBILITY: Human Resources	EFFECTIVE DATE: 10/25/ 2001 REV. REV. DATE. 09/06/2002	Page 1 of 6

SUBJECT: Discipline Standards

REPLACES: N/A

OBJECTIVE:

The Central Florida Regional Transportation Authority (hereinafter "Authority") was created by Part II, Chapter 343, Florida Statutes, to own, operate, maintain and manage a public transportation system in the area of Seminole, Orange, Osceola Counties, and to adopt such policies as may be necessary to govern the operating of a public transportation system and public transportation facilities. The Executive Director is authorized to establish and administer such policies. Therefore, it is necessary to establish a Discipline Standards policy.

SCOPE:

This policy shall apply to all Administrative employees of the Authority.

AUTHORITY:

Authority for this policy and procedure are as follows:

Part II, Chapter 343, Florida Statutes
Administrative Rule 3

POLICY:

Discipline Standards.

Every Authority employee is expected to meet certain standards of job performance and acceptable conduct to ensure productivity, as well as the safety and well being of fellow employees. When performance or conduct does not meet these standards, the Authority, where feasible, will make an effort to give the employee a reasonable opportunity to improve performance or conduct. But if the employee fails to do so, he or she will be subject to disciplinary action up to and including immediate termination.

Progressive Discipline

(1) Under normal circumstances, the Authority endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the Authority's right to bypass the disciplinary procedures suggested.

(2) The normal application of progressive discipline should be:

(a) If an employee is not meeting Authority standards of behavior or performance or violates policy, the employee's supervisor should take the following action:

- i. Meet with the employee to discuss the matter;
- ii. Inform the employee of the nature of the problem and the action necessary to correct it; and
- iii. Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place, and provide a copy to the employee.

(b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:

- i. Issue a written reprimand depending on the severity of the incident, to the employee, and provide a copy to the employee.
- ii. Warn the employee that a third incident will result in more severe disciplinary action; and

Forward a copy of the written reprimand to the Human Resources Department. This information will be included in the employee personnel file.

(c) If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:

- i. Issue a written reprimand, or,
- ii. Suspend the employee for a specified period of time, after consultation with his/her immediate supervisor and the Human Resources Director or Designee, or
- iii. Terminate the employee, after consultation with his/her immediate supervisor and the Human Resources Director.

After taking action under Item # (2)(c), above the supervisor should forward a copy to the Human Resources Department.

- (3) The progressive disciplinary procedures described in Item #(2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- (4) In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Comment (2), above, may be appropriate. Employees suspended from work generally will not receive or accrue any employee benefits during the suspension. Salaried employees exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act will receive their salary while on suspension during any workweek in which they also have worked some time—except for suspensions due to infractions of safety rules of major importance, for which they will not be paid.
- (5) At an investigation interview conducted for the purpose of determining the facts involved in any suspected violation of the Authority rules and regulations, the following procedures normally should apply:
 - (a) Before the interview, the employee who is suspected of violating the Authority rules and regulations should be told in general terms what the interview is about, and given advance notice of the meeting.
 - (b) The employee may request that a coworker or other Authority employee be present at the interview if it may lead to disciplinary action for that employee.
- (6) Employees who believe that they have been disciplined too severely or who question the reason for discipline, are encouraged to use the grievance process. (See HR Policy #014).
- (7) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence. However, the Authority may still consider all past disciplinary actions in evaluating the employee.

Forms of Discipline

Verbal Reprimand

A verbal reprimand should be administered and documented by the immediate supervisor when the supervisor denotes early indications of less than acceptable performance or unacceptable work habits and violation of LYNX policies.

Verbal Reprimand shall:

1. Explain the performance or work habit problem; and cite the specific policy violated,
2. Explain why performance or work habits are unacceptable,
3. Prescribe or identify expected solution(s) and when and by whom such should be accomplished,
4. Denote the consequences of continued undesirable work habits or performance.

As soon as practicable after the incident, a supervisor should prepare a memorandum indicating the date on which the supervisor gave the employee the reprimand and setting forth what was told to the employee regarding items one through four above. A copy of the memorandum should be placed in the employee's personnel file, and a copy should be provided to the employee.

Written Reprimand

A written reprimand should be administered and documented by the immediate supervisor when less severe disciplinary action has been unsuccessful and/or corrective action has not been taken by the employee, or if the nature of the infraction warrants.

1. Explain the performance or work habit problem, and cite the specific policy violated,
2. Explain why performance or work habits are unacceptable,
3. Prescribe or identify expected solutions and when and by whom such should be accomplished,
4. Denote the consequences of continued undesirable work habits or performance,
5. The written document should be delivered to the employee in a face-to-face setting.

A written reprimand should be given as soon as practicable after the incident cited.

Suspension

The immediate supervisor or other reviewing supervisor may recommend the suspension of an employee to the Division Manager with Director review.

Suspensions constitute disciplinary time away from the job and, for employees who are not exempt from requirements of the Fair Labor Standards Act are usually without pay. Suspension of an exempt employee for a portion of any week in which that employee has worked will be with pay, except for suspensions for infractions of safety rules of major importance.

Suspension without pay should be considered and initiated when less severe disciplinary actions have been unsuccessful, when an employee fails to make corrective action as identified in previous disciplinary actions or for serious situations.

Suspensions shall be for a period of no less than the balance of the employee's shift on the working day that the action is taken and shall be for a specified period of time, after consultation with his/her immediate supervisor and the Human Resources Director or Designee.

Suspension should be given as soon as practicable after the most recent basis for the suspension is known by the employee's immediate supervisor.

Termination

Termination action requests may be initiated by the immediate supervisor or other reviewing supervisors to the Department Director when:

1. The violation is a serious offense, or
2. There have been a series of lesser infractions.

Termination is the most serious and the most severe disciplinary action. While the Authority generally will attempt to take lesser corrective action in dealing with less serious offenses, the Authority may in its sole discretion forgo less serious disciplinary action and proceed to termination if circumstances warrant.

Gross Misconduct

Employees may be disciplined, up to and including immediate termination, for misconduct, including but not limited to that shown in the following list. Unlisted conduct that adversely affects other employees, violates the policies, procedures or practices of the Authority, or is otherwise detrimental to the interest of the Authority may also result in disciplinary action up to and including immediate termination.

- * **Insubordination**
- * **Dishonesty**
- * **Theft**
- * **Misusing or destroying Authority property or the Property of another on Authority premises**
- * **Violating conflict of interest rules**
- * **Falsifying or altering Authority records, including the application for employment and time sheets**

- * **Altercations**
- * **Harassment on any kind, including sexually harassing employees or customers**
- * **Being under the influence of, using , possessing or selling alcohol or illegal/controlled substances on Authority property or while conducting Authority, business, or refusing to submit to testing for drug and/or alcohol**
- * **Gambling on Authority premises or while conducting Authority business**
- * **Sleeping on the job**
- * **Leaving the job without authorization**
- * **Possessing a firearm or other dangerous weapons on Authority property or while conducting Authority business**
- * **Being convicted of a crime that indicated unfitness for the job or raises threat to the safety or well being of Authority, its employees, customers or property.**

For the safety, protection and consideration of all employees and customers, and consistent with the employment-at-will doctrine, the Authority reserves the right to proceed directly to immediate termination for misconduct or performance deficiency, without prior disciplinary steps, when appropriate.

EXCEPTIONS TO THIS POLICY:

Any exceptions to this policy must be pre-approved by the Executive Director.

AUTHORIZATION:

Executive Director *Byron W. Burks*

Date *6 September 2002*

Department Director *Joe Ricci*

Date *September 6, 2002*