

**10.0 - DISCIPLINARY ACTION AND APPEAL**

**10.1 - Purpose** - The City of Coral Gables has established a discipline program to provide employees and supervisors with channels of communication and procedures to effectively manage job performance and monitor on-the-job behavior. It is, therefore, necessary that all employees familiarize themselves with these rules and regulations.

**10.2 - Types of Disciplinary Action** - Any employee who violates these rules and regulations, or who otherwise violates reasonable standards of conduct, is subject to discipline up to and including dismissal from employment. The disciplinary alternatives used by the City include, but are in no way limited to, the following:

**10.2.1 - Counseling** - A counseling, verbal or written, is to notify an employee that continued violation of certain departmental or general rules will not be permitted and that the employee must take corrective action or disciplinary action will be taken. In the instance of counseling for sworn members of the Coral Gables Police Department, such counseling is considered "corrective" and outside of the disciplinary process.

**10.2.2 - Written Reprimand** - The written reprimand (in the form of a memorandum or letter) is intended to document an offense involving general or departmental rules and regulations. Its main purpose is to put the employee on notice that continuation of the actions will not be permitted. Reprimands shall be approved and signed by the Department Head of the employee. A copy will be furnished to the employee and a copy will be placed in the personnel file maintained by the Human Resources Department.

**10.2.3 - Suspension** - A suspension is the temporary separation, with or without pay, of an employee from employment with the City.

**10.2.4 - Reduction in Pay** - A reduction in pay of an employee shall be no lower than the minimum salary established for the classification.

**10.2.5 - Reduction in Classification (Demotion)** - A demotion is a change from a higher to a lower classification and involves a change in duties, job title, and perhaps pay.

**10.2.6 - Dismissal** - A dismissal is the permanent separation of an employee from employment with the City.

**10.3 - Procedures** - The following procedure shall apply only in cases involving suspension without pay, reduction in classification/demotion, reduction in pay, or dismissal. These procedures will not be available to probationary employees. Under normal circumstances, an employee shall receive written notification of the possible

## RULE 10

disciplinary action, together with sufficient facts and reasons to provide an explanation and/or defense to the proposed discipline.

An employee, who contests the proposed disciplinary action in accordance with the appropriate procedure, as described in RULE 11, shall usually be continued in pay status until a final decision is rendered by the City. However, nothing herein shall preclude the City from immediately suspending an employee with pay without advance notice, where it is believed by management that giving such notice would result in damage to City property, would be detrimental to the interest of the City, or would result in injury to the employee, another employee, or the general public. In these circumstances, the employee will be given reasons for the disciplinary action after it has taken effect and, thereafter, will be entitled to utilize the appropriate procedure set forth in RULE 11.

**10.4 - Reasons for Discipline** - Although disciplinary action may be based on other reasons, any employee shall be subject to discipline according to the nature and severity of the offense, for any of the following reasons:

**10.4.1** - Incompetence, negligence, or inefficiency in the performance of duty.

**10.4.2** - Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

**10.4.3** - Violation or disobedience of any regulation, order or directive.

**10.4.4** - Offensive, profane or abusive conduct or language toward the public, supervisors or employees.

**10.4.5** - Insubordination or disrespect toward supervisors.

**10.4.6** - Attempting to induce any officer or employee of the City to commit an act in violation of any of these rules and regulations.

**10.4.7** - Being antagonistic toward superiors or fellow employees, criticizing orders, rules or policies, or other conduct which interferes with the proper cooperation of the employees of the City.

**10.4.8** - Participation in strikes, work stoppages, slow downs, boycotts, job actions, or refusal to perform assigned work by any individual or group of employees.

**10.4.9** - Excessive absences, tardiness or abuse of leave privileges.

**10.4.10** - Reporting for work under the influence or being at work under the influence of alcohol, illegal, or controlled substances. Being in possession of alcohol, illegal or controlled substances during working hours and/or sale or use of same during working hours and/or on City property.

## **RULE 10**

**10.4.11** - Careless or negligent use of City property.

**10.4.12** - Theft, misplacement, or misuse of equipment, material, property or money of the City, the public, or of other employees.

**10.4.13** - Falsification of official documents.

**10.4.14** - Failure to report for duty after a leave of absence has expired.

**10.4.15** - Use, threat to use, or attempt to use political influence in securing promotion, leave of absence, transfer, or change of classification, pay, kind of work, or other preferential treatment.

**10.4.16** - Abandonment of position. (See RULE 9.1.2)

**10.4.17** - Unauthorized release of confidential information.

**10.4.18** - Fighting or threatening to fight with a member of the public or other employees, unless the fighting is fully within the course and scope of job duties (i.e., Police Officers).

**10.4.19** - Gambling or engaging in any other game of chance during working hours and/or on City property at any time or in City uniform at any time.

**10.4.20** - Violating safety rules or accepted safe practices, or involvement in an excessive number of chargeable accidents resulting in injury to person or damage to property or equipment.

**10.4.21** - Possession of weapons or firearms during working hours and/or on City property at any time, unless fully within the course and scope of job duties (i.e., Police Officers).

**10.4.22** - Violation of any of the provisions of these rules and regulations, including the Work Rules and Departmental Rules, or the commission of or attempt to commit any act or acts intended to nullify or mitigate any of the provisions hereof.

**10.4.23** - Unexcused absence during the City's declared emergencies.

**10.4.24** - Unauthorized removal of City's equipment machines or tools.

**10.4.25** - Unauthorized use of City's equipment, tools and supplies for own business.

**10.4.26** - Engaging in any other actions which are determined by the City Manager to be sufficient cause for disciplinary action.