

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

**3-4014 Disciplinary Action**

The following guidelines for disciplinary action apply to all University Support Personnel Staff employees; provided, however, that their application is subject to the terms and conditions of any existing applicable collective bargaining agreements in the case of University Support Personnel Staff employees who are members of a collective bargaining unit and are represented by a collective bargaining agent.

(1) Offenses – Guidelines for Disciplinary Action

(a) On the job offense and deficiencies

1. Misuse of property or equipment (including chemicals, etc.) in a manner which endangers life or property
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
2. Sleeping
  - a. First occurrence – Written reprimand.
  - b. Second occurrence – Suspension.
  - c. Third occurrence – Dismissal.
3. Leaving work station which must be attended without authorization
  - a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
4. Reporting to work under the influence of intoxicants or drugs
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- c. Third occurrence – Dismissal.
- 5. Willful destruction of property or equipment
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
- 6. Fighting or creating a disturbance which adversely affects morale, production, or maintenance of proper discipline
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
- 7. Insubordination (refusal to obey orders, or like behavior)
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
- 8. Horseplay (rough or boisterous play or pranks which do or may cause injury or embarrassment to others)
  - a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
- 9. Willful falsification of records (false statements, misrepresentation or fraud of official documents, such as applications, leave slips, or work and production records)
  - a. First occurrence – Written reprimand to dismissal.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- b. Second occurrence – Dismissal.
10. Theft (regardless of whether articles are owned by individuals, the College or the State)
- a. First occurrence – Suspension to dismissal.
  - b. Second occurrence – Dismissal.
11. Malicious use of profane or abusive language (directly to or in the presence of others)
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
12. Unauthorized distribution of written or printed material of any kind
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
13. Chronic or excessive absenteeism – a pattern of absence in a 30-day period which adversely affects employees’ work or management’s ability to transact business
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
14. Abuse of Sick Leave (includes the intentional use of leave for reasons other than personal or family illness or injury or exposure to contagious disease)

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
15. Inattention to duty (includes loafing, loitering, and wasting time during working hours) within any six-month period
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
16. Habitual tardiness (reporting late for work, over-extending breaks or meal periods) within any six-month period
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
17. Absence without authorized leave (during any six-month period) for period less than three consecutive workdays
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
18. Gambling
- a. First occurrence – Oral to written reprimand.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
19. Willful violation of written rules, regulations and policies
- a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
20. Negligence (careless workmanship, slovenliness in performance of duty)
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
  - d. Fourth occurrence – Dismissal.
21. Sub-standard work (includes failure to carry out assigned work or instructions within reasonable time or by a specified deadline)
- a. First occurrence – Oral to written reprimand.
  - b. Second occurrence – Written reprimand to suspension.
  - c. Third occurrence – Suspension to dismissal.
22. Violation of any provision of law or College rule, including prohibitions of unfair labor practices and discrimination. First occurrence – Oral reprimand to dismissal.
23. Sexual Harassment as defined by the College’s Sexual Harassment Policy Statement incorporated by reference herein
- a. First occurrence – Suspension to dismissal.
  - b. Second occurrence – Dismissal.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

24. Engaging in concerted activities to commit an offense (e.g., work stoppage, slow-down, mass call-in alleging sickness)
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
25. Revealing privileged information
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
26. Use of corporal punishment, mishandling, verbal or physical abuse of client
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
27. Failure to report any mistreatment of a client in a timely manner
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
  - c. Third occurrence – Dismissal.
28. Failure to report lost or stolen property
  - a. First occurrence – Written reprimand to suspension.
  - b. Second occurrence – Suspension to dismissal.
29. Inefficiency or inability to perform assigned duties and/or substandard (below) performance of assigned duties
  - a. First occurrence – Written reprimand to dismissal.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

- b. Second occurrence – Dismissal.
- (b) On or off the job offenses
- 1. Under the influence of or possession of non-prescribed drugs or the sale and/or distribution of a drug or narcotic while on duty
    - a. First occurrence – Suspension or dismissal.
    - b. Second occurrence – Dismissal.
  - 2. Violation of the Code of Ethics for public employees, Chapter 112, Florida Statutes
    - a. First occurrence – Written reprimand to dismissal.
    - b. Second occurrence – Dismissal.
  - 3. Conviction of any crime other than traffic violations
    - a. First occurrence – Written reprimand to suspension.
    - b. Second occurrence – Suspension to dismissal.
  - 4. Conviction of a misdemeanor, under Chapter 110.1127, Florida Statutes
    - a. First occurrence – Suspension to dismissal.
    - b. Second occurrence – Dismissal.
  - 5. Conviction of a felony
    - a. First occurrence – Suspension to dismissal.
    - b. Second occurrence – Dismissal.

(2) Types of Disciplinary Action

- (a) Nonappealable. Nonappealable disciplinary actions include written and oral reprimands.
- (b) Appealable. Appealable disciplinary actions include suspension, dismissal, demotion and reduction in pay.

**NEW COLLEGE OF FLORIDA  
REGULATIONS MANUAL**

**CHAPTER 3 - Administrative Affairs**

(3) Procedure for Nonappealable Disciplinary Action

- (a) Oral reprimands. An employee's immediate supervisor shall have the authority to issue oral reprimands.
- (b) Written reprimands. Written disciplinary actions must be reviewed by the appropriate department head before they are given. A copy of the letter containing the action shall be forwarded to the Division of Personnel Services for inclusion within the employee's personnel folder.

(4) Procedure for Appealable Disciplinary Action

- (a) Prior to initiating any appealable disciplinary action, the department head shall review the action and procedures with the Chief Administrative Officer of Personnel Services or his designee. The Chief Administrative Officer of Personnel Services or his designee shall delegate to the appropriate department head the authority to take appealable disciplinary action if it has been determined that the action to be taken is in accordance with established disciplinary procedures.
- (b) All appealable disciplinary actions must be communicated to the employee in writing by certified mail with return receipt requested within five (5) working days from the date the action is taken. This communication must contain a statement of the reason for the disciplinary action, the nature of the action taken and a notice of the employee's right to a "predetermination conference" as well as the employee's right to arbitration appeals under Chapter 447.209, Florida Statutes.
- (c) A copy of the official letter taking disciplinary action shall be made a part of the Division of Personnel Services personnel folder. Any related information regarding the action taken shall also be included in this folder.

*Authority: Article IX, Sec. 7, Fla. Constitution; Fla. Stat. 447.209; Fla. Board of Governors Regulation 1.001*

*History: Adopted 01-28-04, as Rule 6C11 8.014; Revised 03-11-17 (technical amendment)*