

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

REGULATION TITLES:	REGULATION NOS.
Bargaining Unit Employee Disciplinary Actions	FIU Emergency Reg. 2005-01
Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions	FIU Emergency Reg. 2005-02
Nonreappointment and Resignation of Non-Tenured, Bargaining Unit Faculty	FIU Emergency Reg. 2005-03
Termination for Cause and Other Disciplinary Actions for Bargaining Unit Faculty and Bargaining Unit Employees	FIU Emergency Reg. 2005-04
Separation from Employment for Non-Bargaining Unit Employees	FIU Emergency Reg. 2005-05
Disciplinary Actions for Non-Bargaining Unit Employees and Certified Law Enforcement Personnel	FIU Emergency Reg. 2005-06

**STATEMENT OF FACTS AND REASONS FOR CONCLUDING THAT THE
PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES**

On June 29, 2005, The Florida International University Board of Trustees adopted the following proposed rules in accordance with the rulemaking procedure contained in the Florida Administrative Procedures Act ("APA Rulemaking Procedure"): Bargaining Unit Employee Disciplinary Actions (Rule 6C8- 4.006), Bargaining Unit Faculty and Bargaining Unit Employees Vacancies, Selection, Appointments, Promotions, Internal Promotions, Reassignments, Transfers, and Demotions (Rule 6C8-4.014), Nonreappointment and Resignation of Non-Tenured, Bargaining Unit Faculty (Rule 6C8-4.016), Termination for Cause and Other Disciplinary Actions for Bargaining Unit Faculty and Bargaining Unit Employees (Rule 6C8-4.019), Separation from Employment for Non-Bargaining Unit Employees (Rule 6C8-4.025), Disciplinary Actions for Non-Bargaining Unit Employees and Certified Law Enforcement Personnel (Rule 6C8-4.030) (collectively, "Personnel Rules"). The adoption of these Personnel Rules was part of a major revision of the University's personnel program regarding its non-bargaining unit employees that included the adoption of new personnel policies as well as these Personnel Rules by the Board of Trustees. The University commenced implementation of the new personnel program on July 1, 2005 and full implementation was scheduled for completion no later than mid-August 2005 with the inclusion of the Personnel Rules in the Florida Administrative Code.

On July 21, 2005, the Florida Board of Governors (BOG) adopted a Regulation Development Procedure for State University Boards of Trustees ("BOG Regulation Development Procedure"), which replaced the APA Rulemaking Procedure effective immediately. According to the BOG Regulation Development Procedure, rules that were in the process of completion pursuant to the

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FIU Emergency Reg. 2005-01

Bargaining Unit Employee Disciplinary Actions.

- (1) Definition: For purposes of this Regulation "employee" means all bargaining unit employees who are not faculty and who are not certified law enforcement personnel.
- (2) The University shall administer a uniform procedure covering disciplinary actions for bargaining unit employees. The following general guidelines, are intended to provide supervisors with procedures to deal with various types of offenses that will ensure a bargaining unit employee's fair, impartial, and uniform treatment in administering disciplinary actions.
- (3) On the job offenses or deficiencies, and disciplinary actions for offenses or deficiencies, include but are not limited to, the following:

GAMBLING:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal

ABSENCE WITHOUT AUTHORIZED LEAVE:

First occurrence: Written reprimand
Second occurrence: Suspension
Third occurrence: Dismissal

HORSEPLAY:

First occurrence: Written reprimand
Second occurrence: Suspension
Third occurrence: Dismissal

SLEEPING ON DUTY:

First occurrence: Suspension to dismissal

EXCESSIVE ABSENTEEISM:

First occurrence: Oral reprimand
Second occurrence: Written reprimand
Third occurrence: Suspension
Fourth occurrence: Dismissal

LOAFING:

First occurrence: Oral to written reprimand
Second occurrence: Written reprimand to suspension
Third occurrence: Suspension to dismissal
Fourth occurrence: Dismissal

FAILURE TO REQUEST SUPERVISOR'S PERMISSION TO LEAVE THE JOB:

First occurrence: Oral reprimand
Second occurrence: Written reprimand to suspension
Third occurrence: Suspension to dismissal
Fourth occurrence: Dismissal

UNAUTHORIZED SALES, DISTRIBUTION OF WRITTEN OR PRINTED MATERIAL OF ANY KIND, OR SOLICITATION ON UNIVERSITY PROPERTY:

First occurrence: Oral to written reprimand
Second occurrence: Written reprimand to dismissal
Third occurrence: Dismissal

MISUSE OR CARELESS OPERATION OF STATE PROPERTY OR EQUIPMENT:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

EXCESSIVE DEVIATION FROM ESTABLISHED WORK SCHEDULE:

First occurrence: Oral reprimand
Second occurrence: Written reprimand
Third occurrence: Suspension
Fourth occurrence: Dismissal

FIGHTING AND/OR AGGRESSIVE BEHAVIOR:

First occurrence: Suspension to dismissal
Second occurrence: Dismissal

INSUBORDINATION:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

NEGLIGENCE:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

VIOLATION OF SAFETY PRACTICES:

First occurrence: Oral reprimand
Second occurrence: Written reprimand
Third occurrence: Suspension to dismissal
Fourth occurrence: Dismissal

THREATENING, ABUSIVE OR OFFENSIVE LANGUAGE:

First occurrence: Written reprimand to dismissal

Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

THEFT OR STEALING:

First occurrence: Suspension to dismissal
Second occurrence: Dismissal

USE AND/OR POSSESSION OF INTOXICANTS OR NON-PRESCRIBED DRUGS:

First occurrence: Suspension to dismissal
Second occurrence: Dismissal

**POSSESSION OF UNAUTHORIZED WEAPONS AND/OR FIREARMS
ON UNIVERSITY PROPERTY:**

First occurrence: Dismissal

CONDUCT UNBECOMING A PUBLIC EMPLOYEE:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

CONVICTION OF A MISDEMEANOR OR FELONY:

First occurrence: Suspension to dismissal
Second occurrence: Dismissal

FALSIFICATION OF RECORDS:

First occurrence: Written reprimand to dismissal
Second occurrence: Dismissal

WILLFUL VIOLATION OF A WRITTEN REGULATION AND/OR POLICY:

First occurrence: Written reprimand to dismissal
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

UNFAIR LABOR PRACTICES:

First occurrence: Written reprimand to suspension
Second occurrence: Suspension to dismissal
Third occurrence: Dismissal

DISCRIMINATION:

First occurrence: Written reprimand to dismissal
Second occurrence: Dismissal

SEXUAL HARASSMENT

First occurrence: Suspension to dismissal
Second occurrence: Dismissal

(4) Applicability. This Regulation does not apply to any faculty, non-bargaining unit employees, and bargaining unit employees who are certified law enforcement personnel.

Authority: 1001.74(19), FS.