

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

**NOTICE OF REGULATIONMAKING -
PROPOSED REGULATION**

REGULATION TITLE: Bargaining Unit Employee Disciplinary Actions

REGULATION NO. FIU-1701

SUMMARY: This Regulation is identical to former Rule 6C8-4.006, F.A.C., as adopted by the Board of Trustees at its June 29, 2005 meeting. The Proposed Regulation reflects the current University Policy on Disciplinary Actions (Policy 9.18) applicable to bargaining unit University Service Personnel System (USPS) employees, listing offenses and progressive disciplinary actions. The Proposed Regulation does not apply to non-bargaining unit employees, any faculty, or any certified law enforcement personnel.

TEXT OF THE REGULATION: The full text of the Proposed Regulation can be viewed on the website of The Florida International University Board of Trustees, www.fiu.edu/trustees/, or by following this link, <http://www.fiu.edu/trustees/regulations.htm>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Resolution of the Florida Board of Governors dated January 7, 2003;1001.74(19), FS.

NAME OF PERSON INITIATING THE PROPOSED REGULATION: Maria Alam, Executive Director, Division of Human Resources.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu. Fax: (305) 348-3272. Phone: (305) 348-2103.

DATE OF PUBLICATION: August 19, 2005.

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

FIU-1701 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: Resolution of the Florida Board of Governors dated January 7, 2003; 1001.74(19), FS.