



READ ALL ABOUT US!

CIVIL SERVICE RULE 14 – DISMISSALS, SUSPENSIONS, DEMOTIONS, AND RESIGNATIONS

HAS THIS EVER HAPPENED TO YOU? You received disciplinary action, disagreed with the penalty and/or the facts included in the disciplinary letter, but did not know what you could do about it. When faced with this situation, some employees have refused to sign the disciplinary letter, thinking that this would make the disciplinary action go away. **WRONG!** Signing a reprimand does not mean that you agree with the contents of the reprimand, rather it simply means that you acknowledge receipt of the document; therefore, disciplinary actions will be processed and placed in your official personnel file even if you refused to sign.

SO WHAT CAN YOU DO? If you are a permanent, classified employee, you can elect to appeal to the Civil Service Board to remedy the disciplinary action you received. Note that if you are covered by a union contract that you may instead elect to grieve the penalty through your contract's provisions.

If the employee feels that he or she has been suspended, reduced in rank, fined or dismissed, without just cause, the employee may appeal to the Board, in writing within fifteen days from the effective date of the disciplinary action. The Board shall hear the case, and make its findings in writing to the City Manager for his/her consideration, who shall enter an order affirming, reversing, or modifying the disciplinary action of the Department Director.

HOW DO I FILE AN APPEAL? Visit our website at www.ci.miami.fl.us, click on CITY ORGANIZATIONS, click on CIVIL SERVICE, scroll down and click on HEARING FORM. Print and complete the form and then forward it to our office. To avoid the risk of your appeal request being denied because it was received untimely, it is suggested that employees hand-deliver their appeal request form to the Civil Service Board Office since Rule 14.3 indicates that the appeal must be in writing and received within fifteen (15) days from the effective date of the disciplinary action. Upon receipt of the appeal request, a hearing is scheduled within 30 days.

WHO CAN FILE AN APPEAL? In accordance with Civil Service Rule 14.3, only employees with classified, permanent Civil Service status who have been suspended, reduced in rank (demoted), or dismissed can appeal to the Civil Service Board. Therefore, this language precludes probationary employees from filing an appeal should they receive disciplinary action. Additionally, Rule 14.1 speaks to an employee being fined. If a classified employee receives disciplinary action accompanied by a forfeiture of earned overtime or vacation time as the penalty, this is what is referred to as being fined and such actions can be appealed to the Board.

WHAT IS THE BOARD'S ROLE DURING THE DISCIPLINARY PROCESS?

In recognition of the disciplinary authority of the department director and the rights of classified employees; the Board serves as a fact finder for the purpose of determining whether the employee has violated employment rules, regulations or policies based upon testimony, competent substantial evidence, or other types of evidence presented at hearings. Subsequent to considering the evidence and other pertinent information, the Board shall render its findings and recommendations to the employee and the City Manager.

HOW ARE THE HEARINGS CONDUCTED? The hearings are conducted in a court-like fashion. According to Civil Service Rule 14.4(a) and (d), the employee shall be provided written notice of the time and place of the hearing. The employee may be represented by legal counsel, but it is not required, and the Department Director may be represented by the City Attorney or other legal counsel. The hearings are heard in two parts, the Fact-Finding Phase and the Penalty Phase. In the Fact-Finding Phase, direct testimony and cross-examination of witnesses is conducted. Based upon the testimony and evidence presented, the Board votes on whether the employee is guilty or not guilty of the charges cited in the disciplinary letter. If the employee is found not guilty of all the charges, this would end the hearing and any loss of time, seniority, etc. will be restored to the employee; however, if the employee is found guilty of at least one of the charges, the Board would proceed to the Penalty Phase of the hearing. The employee's disciplinary profile will be read into the record, testimony/evidence may be presented, and final argument by both attorneys is presented concerning the penalty. Following final argument, the Board will discuss the matter, vote on a recommended penalty, and render its recommendation to the City Manager, who after consideration, shall enter an order (judgment) affirming, reversing, or modifying the decision of the director. NOTE: If the City Manager's Judgment is in the employee's favor, the loss of time, seniority, etc. will be restored to the employee.

HOW DO I ARRANGE FOR WITNESSES TO TESTIFY AT MY HEARING? You will need to provide the Civil Service Board Office with a witness list so that subpoenas can be prepared and served on the witnesses. The witness list for City or non-City employees should provide the name, address, telephone number, department and shift (A,B,C), if applicable. With reference to non-City witnesses, an \$8 witness fee check for each witness must be submitted with your list before a subpoena can be prepared.

WHAT DO I DO IF I AM NOT PREPARED TO GO FORWARD ON MY SCHEDULED HEARING DATE? As soon as practical, you or your attorney needs to contact the Office of the City Attorney at (305) 416-1800 to speak with Assistant City Attorney Kevin Jones to make him aware that you are requesting a continuance and also to find out if he has an objection to your request. Subsequent to obtaining this information, you should provide the Civil Service Board Office with written notification of this matter. If you find out the day of your scheduled hearing that you will not be able to be present, contact the Civil Service Board Office at (305) 416-2020 or the City Clerk's Office at (305) 250-5360 to leave a message for office staff.

HOW DO I REQUEST A COPY OF THE MY TAPED CIVIL SERVICE BOARD HEARING? You can contact the Civil Service Board Office to request a CD of the audio recording. Please be advised that in order to use the CD, you must have access to a computer with a CD drive because this CD will not play in a home/auto CD player.

FOR QUESTIONS OR COMMENTS: E-MAIL (DLaurent@ci.miami.fl.us) or TELEPHONE: (305) 416-2020.

