

**POLICY NUMBER:**

**APM- 1 - 94**

DATE:

May 14, 2001

ISSUED BY:

**Carlos A. Gimenez**

City Manager

  
SIGNATURE

# CITY OF MIAMI



**ADMINISTRATIVE POLICY**

**REVISIONS**

**REVISED SECTION**

Created  
Clean-up

**DATE OF REVISION**

11/02/94  
03/26/01

Page 1 of 6

---

**SUBJECT:                    PROGRESSIVE DISCIPLINARY GUIDELINES**

---

**PURPOSE:**     To provide a uniform system of progressive discipline which establishes standard of conduct and guidelines for disciplinary actions. In accordance with City rules and regulations applicable to City employees.

This policy will apply to all AFSCME and full-time classified support staff.

Effective this date, this Administrative Policy supersedes all previous directives relating to this subject.

**THE POLICY WILL BE AS FOLLOWS:**

It is the goal of the City of Miami to establish and maintain the highest quality of service possible to its citizens. All employees are entitled to positive supervision, which encourages excellence, by leadership, good example, proper training, and praise for good work. An important factor in positive supervision is implementation and consistent maintenance of rules and regulations necessary to accomplish various goals.

The Progressive Disciplinary Guidelines of the City of Miami will provide progressive disciplinary measures, which are consistent, corrective, and constructive in an effort to improve job performance and the implementation of efficiency and effectiveness in City of Miami government.

**I.     ROLE OF THE SUPERVISOR(S):**

- A.     Supervisors should be thoroughly familiar with personnel rules and regulations and labor contract provisions concerning performance and disciplinary action of their respective employees.
  
- B.     Discipline is a necessary tool in developing and maintaining a successful organization. It is the responsibility of the supervisor to plan and assign work, determine the methods to accomplish the assignment(s), and establish schedules for accomplishing the work. As a result, productivity should improve by properly training the employee, providing review and feedback, and taking corrective action if necessary.

- C. The supervisor must be fair and considerate with each employee, and treat all employees consistently and equally. Ignoring discipline is not a good business practice and will only lower the morale of co-workers who perform satisfactory work. The application of fair and reasonable discipline will assist the supervisor and the department in upholding discipline in appellate procedures. However, discipline imposed arbitrarily or inconsistently is unacceptable and must be avoided.
- D. One of the major causes of a “problem employee” and the need for disciplinary action is poor communication between the supervisor and the employee. Effective communication is the responsibility of the supervisor, and all employees must be fully aware of what is expected of them and how well they are meeting those expectations. The supervisor must ensure the employee understands the goals, job duties and expectations of the employee’s position, as well as City rules and regulations and those of the department. Failure to perform or abide by those specified rules might subject the employee to some form of disciplinary action. One of the ways of communicating what is expected of employees is through the performance evaluation.
- E. Supervisors should periodically meet with the employee to ascertain if work-related problems exist and provide constructive ways to improve job performance if needed. Employees should be encouraged to communicate their ideas or suggestions for improving their work environment.
- F. Supervisors will be evaluated as to whether they have implemented these progressive disciplinary guidelines in their department in an effort to improve the performance of their employees as needed.

## II. ROLE OF THE EMPLOYEE:

- A. Employees should have in their possession a copy of the City’s Progressive Disciplinary Guidelines. Additionally, employees are encouraged to meet with their supervisor(s) in an effort to fully understand these guidelines and what is expected of them as it relates to their job duties and responsibilities.
- B. Questions regarding these guidelines can be additionally directed to the Office of Labor Relations.
- C. All new employees covered by this policy entering employment in the City of Miami will receive a copy of these guidelines from the Department of Human Resources in their orientation package.

## III. DISCIPLINARY ACTION:

- A. When disciplinary action is taken, the objectives should include:
  - 1. To clarify job expectations and enhance open lines of communication between employee and supervisor.
  - 2. To correct and improve the employee’s job performance;
  - 3. To prevent re-occurrences and discipline of a more progressive nature; and
  - 4. To deter other employees from committing similar offenses.

Other important considerations should include:

5. The consistent application of a level of disciplinary action for the same or similar violation committed by any employee.
6. A review of the past record and previous similar disciplinary actions in considering the degree of disciplinary action to be taken.
7. Determination as to whether all other corrective measures have been taken and proven unsuccessful before assessing disciplinary action of a more progressive nature, including dismissal.
8. Discharge action should always be taken promptly, without undue delay following a complete, detailed analysis of the facts or investigation of the violation.

**IV. INVESTIGATIONS AND DOCUMENTATION:**

- A. Discipline should be imposed only after investigating the alleged violation(s). Investigations are to be performed objectively and only to determine facts of an occurrence. Based on the investigative results, discipline may or may not be warranted. A thorough investigation of all facts will gather evidence upon which a decision can be made. Making a disciplinary decision without all the facts can be costly, as the decision may not stand up upon appeal by the employee.
- B. Investigations should be initiated immediately upon knowledge of any violation and continue until all the facts have been gathered. Witnesses, if any, should be immediately contacted and interviewed to insure information relayed is timely and accurate. All aspects of any investigation should be fully documented.
- C. It is important the investigation be thorough and prompt. When a breach of a rule or regulation also involves a possible criminal offense, the City Manager or his/her designee and the Miami Police Department should be immediately notified as an investigation by a department may jeopardize a criminal investigation.

**V. APPLICATION OF DISCIPLINE:**

When administering discipline, various factors should be considered in determining the appropriate level of discipline. These factors may include, but are not necessarily limited to, the nature of the offense, whether the act was accidental or deliberate, time intervals between offenses, effectiveness of previous disciplinary actions, employee's past record, willingness of the employee to improve, overall work performance, and disciplinary actions taken against employees with similar offenses.

**VI. COUNSELING:**

The initial steps to improve employee performance involve counseling.

**A. INFORMAL COUNSELING:**

1. Informal counseling is considered to be a prelude to formal counseling. It is the responsibility of the appropriate supervisor to verbally counsel employees when necessary to improve performance and attempt to avoid the need for disciplinary

measures. Informal counseling is not recorded on any official City form; however, the supervisor for future reference should maintain informal documentation.

**B. FORMAL COUNSELING**

1. If informal counseling fails to improve the employee's performance and/or behavior, the supervisor should conduct formal counseling. Expected performance and adherence to rules, policies, and procedures should be discussed. Actions that may be taken if performance or adherence to specified policies/procedures does not improve should be fully explained, and a reasonable time for corrective action should be established.
2. Upon the completion of a formal counseling session, a Record of Counseling form shall be completed. The Record of Counseling form will provide a section for employee comments. The employee and supervisor are required to sign the form. The employee, the employee's file in the Department of Human Resources, and the employee's departmental file maintain copies.

Both informal and formal counseling should be considered as efforts to improve performance and thereby avoid the necessity of discipline. These counseling sessions should be considered the precursor of progressive discipline and should, in most cases, precede any future disciplinary actions. When disciplinary action is warranted regarding activities upon which the employee has been counseled, these counseling sessions can be taken into consideration when, or if, disciplinary action is warranted. However, if an employee commits a serious offense and should receive immediate discipline, counseling is not a prerequisite.

**VII. TYPES OF DISCIPLINARY ACTION:**

**A. WRITTEN REPRIMAND:**

1. When an employee fails to improve his/her conduct or performance after being formally counseled, a written reprimand should be given.
2. A written reprimand is the initial and formal act of discipline that shall become a part of the employee's personnel file. Written reprimands should include a complete description of the incident(s) of unacceptable behavior or performance and refer to specific times (if applicable), dates, locations, and personnel involved. A written reprimand should also contain prescriptive courses of action with specified time frames in which the employee in question is to modify his/her unacceptable behavior or performance. Every reprimand must include the following statement:

"You are advised that you may respond to this memorandum in writing within five (5) working days. Your response, when presented to me, will be stapled to this memorandum."

3. Written reprimands are to be signed and acknowledged by the Department Director and by the employee. In cases where an employee refuses to acknowledge the receipt of a reprimand, a witness is required to attest to the fact that the employee was given the written reprimand but refused to sign name.

4. A written reprimand, and an employee's response, if applicable, are to remain in the employee's departmental file and his/her file in the Department of Human Resources. Written reprimands older than three (3) years shall not be considered in determining further disciplinary action unless the employee has exhibited a pattern or a reoccurrence of a same or similar infraction. Written reprimands shall have a cumulative effect and may be grounds for more serious disciplinary action in the future.

**B. SUSPENSION:**

1. The purpose of a suspension is to make the employee realize how serious the infractions or violations are, and to impress upon the employee the consequences of repeated violations.
2. In situations where an employee continues to commit offenses for which the employee has been counseled and/or has received a written reprimand, or in specific cases where the nature of the violation is serious, the employee may be suspended for a specified period of time as determined by the seriousness of the offense.
3. **Suspensions should be given for the following:**
  - a) For second offenses when a written reprimand has not corrected the employee's behavior or performance, and the employee violates the same or similar rule or commits the same or similar offense.
  - b) For the first offense of a serious nature and when the circumstances surrounding the incident do not justify discharge.
4. The offense need not have any serious result. The possibility of serious injury or consequences to others or liability to the City may be such that the supervisor cannot risk the employee committing the same offense again.
5. If a suspension is for more than one day, it shall occur on consecutive working days. A suspended employee may not be allowed to make up time and/or wages, which were lost as a result of the suspension.
6. A suspension is considered a means of progressive disciplinary action. Violation of departmental and City rules and regulations, and applicable labor agreements, shall be taken into consideration in determining the length of the suspension.

**VIII. DEMOTIONS:**

- A. Demotions are appropriate when an employee is unable to perform assigned work satisfactorily but would be a satisfactory employee on a job requiring less skill, knowledge and abilities. Demotions are seldom to be given for isolated rule violations but could be if the violation rendered that employee ineffective at that position.
- B. Decisions as to the possibility of demotion as well as its effect upon pay, seniority, and other such matters are to be determined by the Director of the Department of Human Resources.

**IX. DISMISSALS:**

- A. A dismissal is the final and most severe form of discipline administered. An employee may be dismissed from City employment when he/she has been previously disciplined, usually by a suspension; for un-remedied behavior; repetition of serious offenses; or the first occurrence of an extremely serious offense. Dismissal need not follow the progression of a demotion.

**X. NOTICE OF DISCIPLINARY ACTION:**

- A. A written notice of suspension, demotion or dismissal should include a complete description of the incident(s) of unacceptable behavior or performance and refer to specific times (if applicable), dates, locations, and personnel involved.
- B. Such notice should specify any appropriate departmental rule violations, Civil Service Rule violations and/or violation of applicable labor agreement provisions.
- C. Prior to the issuance of any notice of disciplinary action, the Law Department and the Office of Labor Relations should review such notice.

**XI. LABOR/MANAGEMENT COMMITTEE ON DISCIPLINE:**

- A. The AFSCME Summit will establish a Labor/Management Committee on Discipline with representatives from various City departments and the union. A copy of all written reprimands, suspensions, demotions, or dismissals affecting employees to whom the policy applies shall be promptly forwarded to this Committee. This Labor/Management Committee is not an investigative Committee. This Committee shall only review disciplinary actions and advise departments as to their adherence to these guidelines and make recommendations to ensure consistency in application by all City departments.

**XII. TRAINING:**

- A. All supervisors with the responsibility to administer discipline are to be provided with training on these Guidelines and how discipline is to be administered in a consistent and progressive manner. This training will be provided in conjunction with the Office of Labor Relations and the Law Department.

The Progressive Disciplinary Guidelines Policy is in no way intended to override or supersede the labor agreement in effect or Civil Service Rule 14 as it relates to dismissals, suspensions, demotions and resignations, but is intended to compliment it. For employees' rights of appeal to the Civil Service Board, refer to Civil Service Rule 14, Section 14.3 or the Grievance Procedure in the AFSCME labor agreement.