


Florida Fish and Wildlife Conservation Commission  
**Internal Management Policies and Procedures (IMPP)**

	TITLE	IMPP 6.1
	<b>Standards of Discipline for Career Service Employees and Guidance for Discipline of At-Will Employees</b>	EFFECTIVE DATE 02/20/2017
	APPLICABILITY ALL Employees	RESCINDS/AMENDS 10/26/2010
AUTHORITY: Section 110.227, Florida Statutes, Rule 60L-36.005, Florida Administrative Code, and Delegation by the Executive Director		

**POLICY**

Employees of the Commission are expected to perform their duties and responsibilities and to conduct themselves in a manner that fosters the achievement of the agency's mission and goals. The conduct of each employee is expected to reflect a commitment of putting forth his or her best efforts, managing work time for maximum effectiveness and efficiency, and performing to the best of his or her ability the duties and responsibilities assigned to the employee.

Career Service employees with permanent status are afforded certain rights with regard to disciplinary action. Employees without permanent status in the Career Service, and employees in Other Personal Services, Selected Exempt Service, and Senior Management Service positions are at-will employees who serve at the pleasure of the Executive Director and who are subject to dismissal with or without cause. The disciplinary standards in Section 6.1.6, D., are required to be cited in Career Service discipline documents and may, at the agency's discretion, be cited when disciplining at-will employees. However, at-will employees may be dismissed for the first occurrence of any violation at the discretion of the Executive Director or Assistant Executive Director.

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## 6.1.1 AUTHORITY FOR DISCIPLINARY ACTIONS

A. The Executive Director delegates as follows:

1. Authority for disciplinary actions as outlined in the table at the end of section 6.1.1. The delegated position and any chain-of-command supervisor of the delegated position has the authority to approve the specified disciplinary action.
2. Division and Office directors, or their designee, are delegated the authority to preside over the Predetermination Conferences. Predetermination Conferences are required to be offered to permanent status Career Service employees who have been notified by letter of the agency's intent to suspend or terminate their employment.
3. Division and Office directors are delegated the authority to render a final decision with regard to the intended disciplinary action in all cases involving the intended suspension of an employee.
4. Division and Office directors are delegated the authority to render a final decision with regard to mitigation of any intended disciplinary action up to and including the decision to mitigate intended dismissal of an employee. The final decision will be made after the predetermination conference or after the employee has failed to request a predetermination conference within in the time frame provided in the Notice of Intent to discipline letter.
5. Division or Office directors are delegated authority to settle disciplinary cases including, but not limited to, imposing a less substantial employment action than the action identified in an intent letter. This delegation requires the Director of Human Resources and legal counsel be consulted prior to entry into any settlement agreement.
6. Written counseling documents are not disciplinary actions but may be issued to ensure the employee is on notice of expectations and directives. Authority to issue counseling documents is delegated as described in 6.1.6 (7).

7. The delegations are more fully identified below:

<b>STATUS TYPE</b>	<b>Counseling</b>	<b>Oral or Written Reprimand</b>	<b>Suspension</b>	<b>Dismissal</b>
Probationary Career Service with less than one year with FWC	Any chain-of-command supervisor	Section Leader or Equivalent	Section Leader or Equivalent	Division/Office Director
Probationary Career Service with more than one year with FWC	Any chain-of-command supervisor	Section Leader or Equivalent	Division/Office Director	Assistant Executive Director
Permanent Career Service	Any chain-of-command supervisor	Section Leader or Equivalent	Division/Office Director	Assistant Executive Director
Selected Exempt Service	Any chain-of-command supervisor	Any chain-of-command supervisor	Division/Office Director or Equivalent	Assistant Executive Director
Senior Management Service	Any chain-of-command supervisor	Any chain-of-command supervisor	Any chain-of-command supervisor	Assistant Executive Director
OPS with less than one year FWC	Any chain-of-command supervisor	Second level or higher supervisor in the chain-of-command	Second level or higher supervisor in the chain-of-command	Second level or higher supervisor in the chain-of-command
OPS with more than one year with FWC	Any chain-of-command supervisor	Section Leader or Equivalent	Section Leader or Equivalent	Section Leader or Equivalent

### **6.1.2 INVESTIGATIONS**

- A. Investigations of employee conduct are governed by IMPP 1.8, Office of Inspector General (OIG).
- B. In accordance with IMPP 1.8, the Divisions and Offices are responsible for investigation of minor complaints and the OIG is responsible for investigation of major complaints. The definitions and explanations of when a complaint is classified as minor or major are outlined in IMPP 1.8.4.
- C. The appropriate Division or Office director, in consultation with the Legal Office and Office of Human Resources shall determine the appropriate action to take, or recommend, regarding investigations wherein a violation is sustained against an employee.

### **6.1.3 DISCIPLINARY MEMORANDUMS AND LETTERS**

- A. Oral and Written Reprimands shall be issued in memorandum format and reviewed by the Director of Human Resources, or his or her designee, prior to issuance.
- B. The notice of intent and the final decisions regarding suspensions and dismissals shall be issued in letter format and reviewed by the Director of Human Resources and legal counsel prior to issuance.

### **6.1.4 CITING IN DISCIPLINARY LETTERS FOR CAREER SERVICE EMPLOYEES**

- A. In accordance with rule 60L-36.005, Fla. Admin. Code, "Disciplinary Standards", all Career Service employee disciplinary actions shall cite to the applicable Commission Disciplinary Standard in 6.1.6, D. In addition to the Commission Disciplinary Standard, supervisors shall determine if a law, rule or agency policy or procedure has been violated and if so, shall also cite the law, rule, policy or procedure violated.

### **6.1.5 REDUCTION IN PAY AND DEMOTIONS**

- A. A reduction to an employee's base pay, a demotion to a position in a broadband level having a lower maximum salary, or a reassignment to a position in a broadband level having the same or higher maximum salary but a lower level of responsibility may be administered as discipline for any violation of any disciplinary standard in 6.1.6. Disciplinary reductions in pay and demotions must be approved by the Division or Office director. Employees with permanent status in the Career Service may appeal such actions and may have the right to grieve the action through applicable collective bargaining agreements. Notice of intent to demote or reduce pay, as part of a disciplinary action, shall be provided to the employee by letter in the same manner as prescribed for a suspension or demotion.

## 6.1.6 DISCIPLINARY STANDARDS FOR CAREER SERVICE EMPLOYEES

- A. A range of discipline is provided for each violation for a permanent status Career Service employee. Division and Office directors who wish to issue discipline at a level below the given range may do so only after consultation with the Director of Human Resources. Division and Office directors who wish to issue discipline at a level higher than the given range must obtain approval from the Director of Human Resources and legal counsel prior to issuing the discipline. Any deviation from the disciplinary range requires the Division or Office director to provide written justification to the Director of Human Resources.
- B. Violation of more than one disciplinary standard shall be considered in the application of discipline and may result in greater discipline than specified for one violation alone.
- C. Employees may be subject to more severe discipline where the standards of conduct continue to be violated. The level of discipline may be based on prior offenses not necessarily of the same type of offense and may be used to determine the severity of the action to be taken for the current offense. All offenses can have a cumulative effect and offenses need not be identical to impose a penalty more severe than prescribed for a similar offense. It is recognized that some offenses are so serious that suspension or dismissal may be warranted on the first occurrence even though the employee has no prior record of having been disciplined.
- D. Disciplinary Standards and Range of Discipline:
- 1) **Conduct Unbecoming a Commission Employee** - Action or conduct by an employee, on or off duty, which impedes the Commission's efforts, brings discredit or embarrassment to the Commission, impairs the operation or efficiency of the Commission or any Commission employee, volunteer, or vendor, or impairs the employee's ability to perform his or her job, including an action that violates standards of decency or morality.
    - a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
    - b. Second occurrence - Suspension up to 30 work days or dismissal
    - c. Third occurrence – Dismissal
  - 2) **Violation of Statutes, Statutory Authority, Rules, Regulations, Commission Policies or Procedures, General Orders, Division/Office Policies, or Procedures** - Violation of, statutes, rules, regulations, policies, procedures or general orders, by an employee while either on or off duty. Conviction for any crime, including any judicial disposition other than acquittal or dismissal is a violation of this standard. The Commission may determine that an employee has violated a criminal statute even if the violation has not resulted in arrest or conviction, and such violation is also a violation of this standard.
    - a. First occurrence - Oral or written reprimand, suspension up to 5 work days, or dismissal.
    - b. Second occurrence - Written reprimand, suspension up to 30 work days, or dismissal
    - c. Third occurrence – Dismissal

- 3) **Insubordination** - Refusal or failure to follow orders or directives, either written or oral, which relate to the employee's duties and responsibilities. This includes both an expressed refusal to obey an order as well as the failure to carry out an order or assignment.
  - a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
  - b. Second occurrence - Dismissal
- 4) **Divulging Confidential Information or Unauthorized Release of Records** - Releasing, in either oral or written form, any confidential information or any information exempt from disclosure pursuant to Florida's public records law. This includes, but is not limited to, information regarding active criminal investigations, criminal intelligence, identity of confidential sources, or certain personnel information. It also includes disseminating, releasing, altering, copying, defacing or removing any agency record without proper authorization.
  - a. First occurrence - Oral or written reprimand, suspension up to 30 work days, or dismissal
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence – Dismissal
- 5) Numbering Sequence Retained for Historic Reference and Record Keeping
- 6) Numbering Sequence Retained for Historic Reference and Record Keeping
- 7) **Inefficiency, Inability to Perform Assigned Duties, Substandard Performance of Duties or Loafing** - Failure to completely and accurately perform any obligation, condition, requirement, task, assignment, project, mission, exercise, duty, or responsibility in a timely manner, whether or not such failure is willful or deliberate or idleness during work periods that results in the employee's failure to perform his or her duties and responsibilities or interferes with others performing their duties.
  - a. First occurrence - Oral or written reprimand or suspension up to 5 work days
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence - Dismissal
- 8) Numbering Sequence Retained for Historic Reference and Record Keeping
- 9) **Sleeping on Duty**
  - a. First occurrence - Oral or written reprimand or suspension up to 5 work days
  - b. Second occurrence - Suspension up to 5 work days or dismissal
  - c. Third occurrence – Dismissal

- 10) Improper or Careless Use of State Property, Including Conveyances** - Failure to take customary and reasonable care in the prevention or loss of property or equipment. This includes but is not limited to the failure to observe any traffic laws while driving a state vehicle, failure to observe maintenance schedules, or causing or failing to prevent loss or damage. When determining where an incident falls within the standards of discipline only incidents occurring within the preceding five (5) years shall be considered prior violations.
- a. First occurrence - Oral or written reprimand or suspension up to 30 work days.
  - b. Second occurrence - Suspension up to 30 work days or dismissal.
  - c. Third occurrence - Dismissal
- 11) Unauthorized Use of State Property, Services, Equipment, or Personnel** - Use of state property, services, equipment, or personnel for any purpose other than state business except as authorized by law or Commission policy. This includes using state property for personal purposes or directing state employees to perform non-agency activities or errands. Employees shall reimburse the cost incurred by the Commission as a result of a violation of this standard.
- a. First occurrence - Oral or written reprimand, suspension up to 30 work days, or dismissal.
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence – Dismissal
- 12) Theft or Attempted Theft** - Knowingly obtaining or using, or endeavoring to obtain or to use, the property of another with intent to, either temporarily or permanently: (a) Deprive the other person of a right to the property or a benefit from the property (b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property, whether or not arrested or convicted by a criminal court of law.
- a. First occurrence - Suspension up to 30 work days or dismissal
  - b. Second occurrence – Dismissal
- 13) Numbering Sequence Retained for Historic Reference and Record Keeping**
- 14) Numbering Sequence Retained for Historic Reference and Record Keeping**
- 15) Abusive, Threatening or Offensive Language or Actions** - Oral or written statements or acts or behaviors that are abusive, discriminatory, or offensive in nature, whether directed towards a supervisor, a fellow employee, or a member of the public or not directed towards anyone in particular regardless of intent.
- a. First occurrence - Written reprimand or suspension up to 30 work days or dismissal
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence – Dismissal

**16) Retaliation** - Retaliatory action taken by a supervisor or an employee against an employee who has filed a complaint, grievance, or appeal of a disciplinary action, or who has provided information or testimony regarding the misconduct of another employee.

- a. First occurrence - Suspension up to 30 work days or dismissal
- b. Second occurrence - Dismissal

**17) Leaving Work Station without Authorization** - Absence from the work station or duty assignment without notice to the appropriate supervisor, or leaving the work station without proper relief when that station must be staffed during that time frame.

- a. First occurrence - Oral or written reprimand or suspension up to 5 work days.
- b. Second occurrence - Written reprimand or suspension up to 30 work days
- c. Third occurrence - Dismissal

**18) Absence without Authorized Leave**

- a. Failure to obtain approval from the proper authority prior to any absence from work, except in the case of an emergency that requires the employee to be absent prior to receiving approval;
- b. Failure to notify the proper authority in a timely or appropriate manner that the employee will be absent from work; or
- c. Obtaining leave approval based on misrepresentation.
  - i. First occurrence - Oral or written reprimand or suspension up to 5 work days
  - ii. Second occurrence - Suspension up to 30 work days
  - iii. Third occurrence - Dismissal

**19) Excessive Absenteeism** - Absences which adversely affect the employee's ability to perform his or her duties and responsibilities even though all or most of the absences were previously approved.

- a. First occurrence - Oral or written reprimand
- b. Second occurrence - Written reprimand or suspension up to 30 work days
- c. Third occurrence - Dismissal

**20) Excessive Tardiness or Failure to Observe Established Work Times** - Repeated failure to follow established work schedules. This includes arriving late, leaving early, or returning late from lunch or rest breaks without prior approval.

- a. First occurrence - Oral or written reprimand or suspension up to 5 work days
- b. Second occurrence - Suspension up to 30 work days
- c. Third occurrence – Dismissal



- 21) Failure to Obtain or Failure to Promptly Report the Suspension of or Revocation of a Job-Required License or Certification (e.g. Driver's License, Pilot's License, CDL, Dispatch Certification, and professional licenses such as a license to practice law) to the Appropriate Authority**
- a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence – Dismissal
- 22) Numbering Sequence Retained for Historic Reference and Record Keeping**
- 23) Lying or Failure to Give Truthful or Requested Information or Instructing an Employee to Do So** - Oral or written statements that are deliberately inaccurate, incorrect, or misleading. This includes the intentional omission of material information from oral or written statements and lying or failing to provide information during an internal investigation.
- a. First occurrence - Suspension up to 30 work days or dismissal
  - b. Second occurrence – Dismissal
- 24) Falsification of Records** - The intentional inclusion or submission of false information, or intentional omission of pertinent information, in a report, record, or form, either written or electronic, regarding any work-related matters, attendance, injury, illness, or qualifications. Knowingly failing to claim all hours worked or claiming hours not actually worked on a timesheet are one example of falsification of records.
- a. First occurrence - Suspension up to 30 work days or dismissal
  - b. Second occurrence - Dismissal
- 25) Numbering Sequence Retained for Historic Reference and Record Keeping**
- 26) Unauthorized Possession of or the Failure to Report Careless Use or Display of Knives, Firearms, Explosives or Other Dangerous Weapons.**
- a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
  - b. Second occurrence - Suspension up to 30 work days or dismissal
  - c. Third occurrence – Dismissal
- 27) Violation or Disregard of Safety Practices** - Failure to follow established safety practices, protocols, or procedures. This includes the performance of an unsafe act or the failure to wear or use appropriate safety equipment.
- a. First occurrence - Oral or written reprimand
  - b. Second occurrence - Suspension up to 5 work days
  - c. Third occurrence - Suspension up to 30 work days or dismissal
- 28) Numbering Sequence Retained for Historic Reference and Record Keeping**

**29) Negligence** - Failure to use ordinary or reasonable care, caution, attention, or diligence in the performance of employee's assigned duties and responsibilities.

- a. First occurrence - Written reprimand or suspension up to 5 work days
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**30) Failure to Submit to Physical or Psychological Examination** - Refusing to attend or participate in a physical, psychological, or medical examination ordered by the Commission. Failure to participate in a required examination includes refusal to cooperate with or follow the instructions of the individual or individuals conducting or participating in the examination.

- a. First occurrence - Suspension up to 30 work days or dismissal
- b. Second occurrence – Dismissal

**31) Numbering Sequence Retained for Historic Reference and Record Keeping**

**32) Unauthorized Distribution of Materials** Distribution of non-job-related materials without approval from the employee's Section Leader, Section Leader equivalent, or someone in the chain-of-command above the employee's Section Leader is prohibited.

- a. First occurrence - Oral or written reprimand or suspension up to 5 days
- b. Second occurrence - Written reprimand or suspension up to 30 work days
- c. Third occurrence - Dismissal

**33) Possession or Consumption of Alcohol** - Consumption of any alcoholic beverage while on duty or reporting to work under the influence of alcohol is prohibited. Possession or consumption of alcoholic beverages in or upon Commission equipment, vehicles, vessels, or owned, leased, or managed property is prohibited unless supervisory approval has been received. Examples of acceptable possession or consumption shall include employees who reside on Commission property who possess and consume alcohol in their residence while off-duty or employees who discreetly transport alcohol while in travel status for off-duty consumption. Employees shall consult with their chain-of-command for guidance concerning possession or consumption of alcoholic beverages on Commission owned, leased, or managed property.

- a. First Occurrence - Oral or written reprimand or suspension up to 30 work days
- b. Second Occurrence - If a period of more than five years has lapsed since the last occurrence, the incident may be handled as a first occurrence. If less than five years have passed, the employee will be subject to suspension up to 30 work days or dismissal.
- c. Third Occurrence – Dismissal

**34) Possession of Drugs or Drug Abuse** - Unlawful possession, distribution, sale or use of controlled substances, reporting for duty or being on duty while under the influence of drugs, or the storage of or transport of a controlled substance. Controlled substances seized or held as evidence or drugs prescribed by a licensed physician for the treatment of the employee's medical condition, illness, or injury are not violations of this disciplinary standard. The Commission may require an employee to take leave if, as a result of taking prescribed medication, the employee is unable to satisfactorily perform his or her duties and responsibilities. Actions taken due to suspected drug abuse shall be taken in accordance with IMPP 6.26 and this standard.

- a. First occurrence - Suspension up to 30 work days or dismissal
- b. Second occurrence – Dismissal

**35) Improper Political Activity** - Participating in any political campaign or activity while on duty, using or attempting to use one's position as a state employee to influence a campaign or political activity, violating any state or federal law or rule in regard to political activities by public employees (such as the federal Hatch Act), or using one's position to coerce another individual to support or contribute to a political issue, candidate, or party.

- a. First occurrence - Oral or written reprimand
- b. Second occurrence - Written reprimand, suspension up to 30 work days, or dismissal
- c. Third occurrence – Dismissal

**36) Gambling, Wagering, or the Promotion of Gambling** - Playing or engaging in games of chance or offering or promoting games of chance at a work site, in a Commission vehicle, or while on duty.

- a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
- b. Second occurrence – Dismissal

**37) Discrimination** - It is illegal to discriminate in any aspect of employment, including hiring and terminations; compensation, assignment or classification of employees; transfer, promotion, layoff, or recall; job advertisements; recruitment; testing; use of company facilities; or other terms and conditions of employment based on race, color, religion, sex, national origin, age, disability or genetic information.

- a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**38) Sexual Harassment** – Sexual harassment is the imposition of any unwanted condition on any person’s employment because of that person’s gender. Sexual harassment may include an unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual or gender based nature from any person when:

- a. Submission to such conduct is made, either explicitly or implicitly a term or condition of an individual's employment;
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
  - i. First occurrence - Written reprimand, suspension from 5 to 30 workdays, or dismissal
  - ii. Second occurrence - Suspension up to 30 work days or dismissal
  - iii. Third occurrence – Dismissal

**39) Hunting, Fishing or Trespassing on Private Property without Permission While on Duty or Arrested While off Duty for This Offense. This does not apply to sworn employees exercising their law enforcement powers in accordance with Chapter 379, Fla. Stat., rule of the Commission, or order of the Executive Director.**

- a. First occurrence - Suspension up to 30 work days or dismissal
- b. Second occurrence – Dismissal

**40) Numbering Sequence Retained for Historic Reference and Record Keeping**

**41) Sale of Fish or Wildlife or Parts Thereof** - Employees shall not receive or have anyone receive on his or her behalf any form of compensation or exchange of goods or services for trading, dealing, guiding, or taking of fish or wildlife or parts thereof without prior outside employment approval.

- a. First occurrence - Suspension up to 10 work days or dismissal
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**42) Numbering Sequence Retained for Historic Reference and Record Keeping**

**43) Improper Authorization of Activity** - Approval of subordinates to engage in improper activities, which could result in misconduct or involve misuse of Commission equipment, time or funds.

- a. First occurrence - Written reprimand or suspension up to 30 work days
- b. Second occurrence - Suspension up to 30 work days
- c. Third occurrence – Dismissal

**44) Arrest/Civil Citation** - Employees placed under arrest or who receive a notice to appear for any type of criminal violation, or who receive a citation for a civil infraction related to a Commission rule, while on or off duty, shall ensure a chain-of-command supervisor is notified no later than 48 hours after the arrest or receipt of the notice to appear or citation. The supervisor shall immediately notify the Office of Inspector General and the Director of the Office of Human Resources. Employees shall also notify a chain of command supervisor of any arrest that occurred or citation that was received subsequent to submitting their state employment application for employment with the Commission.

- a. First occurrence - Written reprimand, suspension up to 30 work days, or dismissal.
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**45) Numbering Sequence Retained for Historic Reference and Record Keeping**

**46) Violation of Computer Policy** - Violation of Commission computer policies or any other policy related to the use, possession, or maintenance of electronic equipment, data, or information.

- a. First occurrence - Written reprimand, suspension up to 30 workdays, or dismissal.
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**47) Numbering Sequence Retained for Historic Reference and Record Keeping**

**48) Failure to Follow Oral or Written Instructions**

- a. First occurrence - Written reprimand or suspension up to 5 work days
- b. Second occurrence - Suspension up to 30 work days or dismissal
- c. Third occurrence – Dismissal

**FORMS**

If a form is applicable to the IMPP, the following table should be used as an outline, as appropriate. For purposes of this IMPP, no Forms apply.

FORM NUMBER	FORM TITLE
None	None

Approved: **Eric Sutton**  
 Nick Wiley, Executive Director or Designee

Date: **02/20/2017**

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