PRINCIPLES OF DISCIPLINE AND GRIEVANCE HANDLING

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This Presentation Will Help You:

- Understand the **role** discipline plays in good HR management
- Understand the **requirements** which apply to Career Service employees when disciplinary actions are taken
- **Avoid potential problems** when disciplinary actions are contemplated
- Understand the **types of grievances** and employees’ choice of remedy
The State of Florida experiences the same types of discipline problems with its employees as any other major employer.
What is DISCIPLINE?

PUNISHMENT
DISCIPLINE IS...

...the means by which we give formal notice to the employee of:

- What he/she did wrong
- The rule or standard violated
- What the employee can expect if the offense is committed again
State’s Philosophy and Sources of Authority for Discipline:

- Section 110.227, F.S.
- Chapter 60L-36, F.A.C., Conduct of Employees
- Discipline Article of Each Collective Bargaining Agreement
- Agency Policies and Procedures
The Supervisor’s Role and Responsibility

- Understanding the statutes and rules
- Exhibiting positive leadership characteristics
- Maintaining documentation
The Supervisor’s Role and Responsibility

- Counseling the employee
- Initiating discipline in a timely manner
- Following up with the employee
Checklist Review:

- Statutes, Rules, Agency Standards
- Collective Bargaining Agreements
- Law Enforcement Bill of Rights
- Employee Record
- Evidence
- Past Practice
- Excuses/Mitigating Circumstances
Disciplinary Standards

- All employees shall have reasonable access to the agency’s personnel manual
- Receipt of standards documented
Elements of Effective Counseling

- Listen to the employee
- Be specific as to expectations, consequences
- Maintain privacy
- Be objective
- Be professional and respectful
Establishing Just Cause

As stated in Section 110.227(1), F.S.

“Cause shall include, but is not limited to poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, violation of the provisions of law or agency rules, conduct unbecoming a public employee, misconduct, habitual drug abuse, or conviction of any crime.”

[See 60L-36.005(3), F.A.C. for definitions]
Just Cause for Disciplinary Actions

The burden of proof is on

MANAGEMENT
Establishing Just Cause

- Notice
- Proof of Misconduct
- Past Practice
- Appropriateness of Discipline
- Timeliness
- Employee Rights
- Defensible
Principles of Discipline

Following these guidelines allows you to stay ON TARGET with discipline!
PRINCIPLES OF GRIEVANCE HANDLING
Employees Must Choose Only One Process

- Career Service Grievance
- Public Employees Relations Commission (PERC) Appeal
- Collective Bargaining Grievance
Types of Employee Grievances

CAREER SERVICE
A grievance process shall be available to permanent career service employees.

A grievance is defined as,

“The dissatisfaction that occurs when an employee believes that any condition affecting the employee is unjust, inequitable, or a hindrance to effective operation.”

[Section 110.227(4), F.S.]
Exceptions Specified in Section 110.227(4), F.S.

Claims of Discrimination

Claims of Sexual Harassment
[Handled by Agency Internal Procedures]

Claims Related to Suspensions, Reductions in Pay, Demotions and Dismissals
[Handled through PERC Appeal or Collective Bargaining Grievance Process]
Career Service Grievance Procedure

**Step One:** Employee submits written grievance to supervisor within 7 calendar days of event giving rise to grievance. Supervisor meets with employee within 5 business days following receipt of grievance.

**Step Two:** Employee submits written grievance to agency head or designee within 2 business days following meeting with supervisor. Meeting with employee within 5 business days following receipt of grievance. Written response to Grievant within 5 business days following the meeting. Step Two decision final.
Employees May Choose PERC Appeal or Collective Bargaining Grievance Process for

- Reduction in Pay
- Demotion
- Suspension
- Dismissal
Public Employees
Relations Commission

PERC Appeal
Procedure

Section 110.227(6), F.S.
Collective Bargaining

Grievance Procedure

A dispute involving the interpretation or application of the specific provisions of the Agreement.
Collective Bargaining
Grievance Process

- Occurrence of Event
- Oral Step - Immediate Supervisor
- Step 1 - Management Representative
- Step 2 - Agency Head or Designee
- Step 3 - DMS Review
- Arbitration
Processing a Collective Bargaining Grievance

Time Limits in Calendar Days
To Enforce Time Limits

Document *in writing* all mutual agreements to extend time limits at any given level of the Grievance.
Time Limits

Failure to communicate the decision within the specified time limit shall permit the Grievant or Union to proceed to the next step.
Resolution of Grievances

Handle *promptly* at the **LOWEST LEVEL OF SUPERVISION** having the authority to adjust the grievance.
If employee elects representation by Union, any decisions mutually agreed to by State and Union are binding on Grievant.

Union has right to attend any meeting called for the resolution of grievance.
The Written Decision/Response

Document the date and time the Grievant or Union RECEIVES the agency response
Basic Principles to Remember

- Review grievance for timeliness, watch timeframes for responding
- If no meeting conducted with Union, document date of discussion by phone
- Review previous decisions, no new issues
- Accuracy and specificity essential
Settlement of Grievances

When management and Union mutually agree to modify the terms of the original action taken.
Can’t put your hands on your rules, statutes, agreements?
HRM HOMEPAGE ADDRESS

http://www.state.fl.us/dms/hrm/index.html
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