

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 13, 2009

REGULATION TITLE:

Discipline, Suspension and Dismissal for Cause of Technical,
Executive, Administrative, and Managerial Support (TEAMS) Staff

REGULATION NO.:

6C1-3.046

SUMMARY: The amendment removes “unsatisfactory performance of assigned duties” as this information is addressed in 6C1-1.008. The amendments also make technical changes.

AUTHORITY: BOG Resolution dated January 7, 2003

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Fussell, Interim Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS~~RULES~~ OF
UNIVERSITY OF FLORIDA

6C1-3.046 ~~Finance and Administration~~; Discipline, Suspension and Dismissal for Cause of Technical, Executive, Administrative, and Managerial Support (TEAMS) Staff.

(1) Definitions.

(a) "Just cause" shall be defined as:

1. Incompetence; or

2. Misconduct, whether on or off the job; or

~~3. Unsatisfactory performance of assigned duties; or~~

34. Unsatisfactory attendance.

(b) The term "advisor" shall mean a representative of ~~the Division of Human Resources Services (DHR)~~ appointed by the Vice President for Human Resource Services~~Director of DHR~~ to assist in interpreting policies and procedures.

(c) For the purpose of this rule, "Vice President" means the indicated Vice President or the Vice President's designee, "Dean" means the indicated Dean or the Dean's designee, and "Director" means the indicated Director or the Director's designee.

(2) Dismissal, Suspension and Disciplinary Action.

(a) The appointment of a TEAMS staff member can be terminated or suspended with or without pay for just cause.

1. An employee shall be given written notice of dismissal or suspension by the President or President's designee. The notice shall include:

a. a basis for the dismissal or suspension,

- b. a copy of this ~~regulation~~rule,
 - c. the dismissal or suspension shall take effect the day the Vice President issues his or her written decision if it upholds a decision to dismiss or suspend,
 - d. the name of an advisor,
 - e. pay status.
2. During the period following the notice of dismissal or suspension, the President or designee shall determine the reassignment of the employee for the balance of employment.
3. Within seven (7) working days of the notice of dismissal or suspension, the Dean or Director responsible for the unit in which the TEAMS staff member is employed, will review the basis for the notice. The employee may schedule a meeting with the Dean or Director during these seven (7) working days to provide information about the notice and may submit to the Dean or Director letters and other documentary material related to the notice. Within the next five (5) working days, the Dean or Director will issue a written decision that upholds, modifies, or revokes the notice of dismissal or suspension. The decision shall state a basis for the conclusion reached and shall have attached all documents used in reaching the decision.
4. If the Dean or Director upholds or modifies the notice of dismissal or suspension, the Vice President responsible for the unit in which the TEAMS staff member is employed will review the basis for the notice within seven (7) working days. The Vice President's review will be based solely on the decision by the Dean or Director and the accompanying documents. If the Vice President determines that it is necessary to receive further information, the Vice President will meet with the staff member within the seven (7) working day period to seek such information. Within the next five (5) working days, the Vice President will issue a written decision that upholds, modifies, or revokes the notice of dismissal or suspension.

5. The dismissal or suspension becomes final upon the issuance of the Vice President's written decision upholding the notice of dismissal or suspension.

6. If the employee wishes to pursue the matter further, the employee has the right to appeal to an arbitrator as prescribed in subsection (8) of ~~Regulation~~ Rule 6C1-3.051, F.A.C.

(b) The President or designee retains the right to impose disciplinary action, other than termination or suspension, for "just cause", as set forth in Section 1012.92, F.S.

1. The employee shall be given written notice of any disciplinary action. The notice shall state:

a. the reasons for the disciplinary action,

b. the disciplinary action is subject to the grievance procedure found in

~~Regulation~~ Rule 6C1-3.051, F.A.C.,

c. the effective date of the disciplinary action.

2. Counseling shall not be considered disciplinary action under this section.

(3) Suspension Pending Investigation. The President or designee shall immediately suspend an employee from the performance of his or her duties when the President or designee has reason to believe that the employee's presence on the job would adversely affect the functioning of the University or would jeopardize the safety or welfare of other employees. The President or designee shall determine whether a suspension shall be with or without pay based on the severity of the misconduct and the threat to safety. Within two (2) working days from such immediate suspension, the President or designee shall serve written notice upon the employee stating the reasons for the action taken. If the employee has been suspended without pay and subsequently is reinstated as a result of the review or grievance procedures, the employee shall be reinstated with back pay.

Specific Authority: BOG Resolution dated January 7, 2003~~1001.74(4), 1012.92 FS.~~

~~Law Implemented 1001.74(19), 1012.92 FS.~~

History--New 3-6-85, Formerly 6C1-3.46 Amended 3-2-03, 5-30-04,_____.