Chapter VIII

Code of Conduct and Disciplinary Procedures

Rule 8.1 Employee Code of Conduct

a. Village rules governing employee conduct are based upon:

1. The common-sense standards that mature people, working together to achieve a common purpose, expect of one another, and

2. The special need to maintain public trust in those who perform municipal service.

b. They apply equally to all employees. Supervisors are expected to set an example and to enforce these rules based on facts, uniformly, with fairness and impartiality. Each employee is responsible for his or her compliance and will be held accountable for any violations. An employee found to have committed any of the below listed offenses will be subject to appropriate disciplinary action, up to and including discharge. The offenses listed below are not all inclusive. Employees of the Village are employed at-will and may be terminated at any time, and for any reason.

1. Conviction of a felony or other crime involving moral turpitude.

2. Violation of the provisions of the Charter of the Village of Pinecrest.

3. Act of incompetence or chronic inefficiency in the performance of assigned duties (i.e., poor or unsatisfactory performance).

4. Neglect of duty or loitering while on duty.

5. Insubordination.

6. Deliberate misuse, destruction, or damaging any Village property or the property of another employee.

7. Misappropriation, theft, conversion, or removal of any Village funds, Village property, or the property of another employee without proper authorization.

8. The possession of firearms, explosives or weapons while on duty is strictly prohibited unless it is a requirement of the job to carry such items or allowed by Florida or federal law.

9. Engaging during non-duty hours in an employment, activity, behavior or enterprise that is inconsistent, incompatible, unethical or immoral, or in legal or technical conflict with your duties, functions and responsibilities as a Village employee, or in violation of the Village Code or Ordinances, or Florida Code of Ethics Statute.

10. Acts of employee showing lack of good moral character.

11. Knowingly punching or swiping the time card or badge of another employee, having one’s time card punched or swiped by another employee, or any unauthorized altering of a time card or badge including the photocopying of a time card or badge.

12. Absence without leave or failure to report for duty after an Administrative Leave or Suspension has expired; or failure to report to work as instructed prior to or following a hurricane or other emergency event; abandonment of position.
13. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, workers’ compensation or any other benefit.

14. Use or attempted use of political influence or bribery to secure an advantage of any manner.

15. Habitual Tardiness and/or absenteeism.

16. Falsifying personnel or Village records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.

17. Failure or refusal to carry out instructions.

18. Refusal to testify before a judicial proceeding or any other investigating committee. Refusal to give testimony in accident investigations.

19. Having been refused a surety bond, if required for employment. Failure to obtain or maintain any license or certification required for employment.

20. Instigating or participating in a walkout, strike, unlawful picketing, slow-down, or other concerted stoppage of work.

21. Having been involved in an excessive number of accidents resulting in injuries or property damage.

22. Violation of the Village’s Drug-Free Workplace Policy including but not limited to, possessing, consuming, or being under the influence of an intoxicating beverage, controlled substance, or narcotic while on duty or when reporting for duty. Reporting for duty or being on duty with alcohol noticeably on the breath. Refusing to submit to drug or alcohol testing.


24. Failure to notify Department Head of any felony conviction within five (5) days of the conviction.

25. Failure to report to the Village when employee’s driver license is revoked or suspended when the employee’s position requires the operation of a motor vehicle.

26. Allowing hitchhikers or otherwise unauthorized persons to ride in Village vehicles.

27. Acts of misconduct while on duty.

28. Violating a safety rule, departmental rule, Village policy, or special orders.

29. Provoking or instigating a fight, or fighting at any time on Village property or while on duty.

30. Threatening, intimidating, coercing, interfering with, or other abusiveness to fellow employees, supervisors or the public in the line of duty; behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service; or utilizing profane, abusive or offensive language toward co-workers or members of the public.
31. Posting or removing any matter on bulletin boards or Village property at any time unless authorized.

32. Unauthorized release of confidential information.

33. Distributing or causing to be distributed, during normal working hours, written matter of any kind on Village premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the Village’s business.

34. Receiving from any person, or participation in any fee, gift, or other valuable item in the course of work, or any violation of Village Codes, Ordinances or Florida Code of Ethics Statute.

35. Gambling or engaging in any other game of chance during working hours, while in a Village uniform or on Village property.

36. Engaging in any other actions, which are determined by the Village Manager to warrant disciplinary action.

**Rule 8.2 DISCIPLINARY RESPONSIBILITY**

The Village Manager shall have the authority, with or without Department Head request, to initiate disciplinary action against any employee in the Municipal Service.

**Rule 8.3 SUSPENSIONS**

The Department Head shall place employees on Administrative Leave for alleged violations of any Employee Code of Conduct or other departmental or Village policy. Upon completion of the investigation, employees may be suspended by their Department Head or his/her designee without pay for not more than twenty (20) workdays. Employees aggrieved by this action may file an appeal to the action in compliance with Rule 8.5. The filing of an appeal to a suspension with the Village Manager shall stay the suspension until the Village Manager’s decision is rendered.

In an extreme situation calling for immediate action, an employee may be suspended pending investigation by his or her Department Head or his/her designee. Such a situation would then be brought to the attention of the Human Resources Manager or Village Manager immediately.

**Rule 8.4 TERMINATIONS**

Employees may be terminated from the service of the Village for violations of the Employee Code of Conduct as set forth in Chapter VIII. Although all employees of the Village are employed at-will, an employee whose termination has been recommended shall be given the opportunity to address the Village Manager before a final decision is made. An employee wishing to address the Village Manager must submit his/her request within seven (7) calendar days of the recommendation for termination. The Village Manager must approve all terminations. An employee may be suspended pending the disposition of this meeting.

**Rule 8.5 EMPLOYEE DISPUTE PROCEDURE**

The dispute resolution procedure is a mechanism to resolve disciplinary actions taken against an employee in the Municipal Service. It is the policy of the Village of Pinecrest that every employee be treated fairly at all times with courtesy and respect. Conversely, each employee is expected to extend the same treatment to his/her associates, supervisors and to the public.
a. **Step 1:** Employees who believe they have a dispute may address their concerns in writing, within five (5) workdays from the event causing the dispute. The written statement shall contain the date, time, place and nature of the dispute and relief requested and shall be filed with their immediate supervisor. Within five (5) days of the receipt, the supervisor shall inform the employee, in writing, of the disposition of the appeal, or failing in that, advise the employee, in writing, of his/her inability to settle the dispute. At this point, the employee may proceed to Step 2.

b. **Step 2:** An employee who is not satisfied with the response to Step 1 may, within three (3) work days following the Step 1 response, file the written statement and a copy of the supervisor’s response to his/her Department Head. The Department Head will provide a copy to the Human Resources Office. The Department Head shall, within five (5) workdays of receipt, provide a written response to the employee. If not satisfied with the response from the Department Head, employees may proceed to Step 3.

c. **Step 3:** An employee who is not satisfied with the response to Step 2 may, within three (3) working days following the Step 2 response, file the written statement along with copies of the supervisor’s response and the Department Head’s response with the Village Manager. The Village Manager shall, within fifteen (15) workdays of receipt, meet with the employee. The Village Manager’s decision shall be final, binding and not appealable.

d. **Withdrawing of Dispute:** An employee may withdraw a dispute at any point in writing or by permitting the time requirements to lapse without appeal.

e. Employees selecting a dispute resolution procedure under an applicable collective bargaining agreement are excluded from processing the same dispute under this system.

**Rule 8.6 PROBLEM RESOLUTION**

While the employee dispute procedure referred to above is used to appeal disciplinary actions taken by management, a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions.

The vast majority of employee problems or complaints involve misunderstandings that can be resolved informally through discussion with your immediate supervisor. We believe strongly that open communication promotes mutual understanding and provides management with valuable information about working conditions and the quality of service we give to the residents of Pinecrest. When an employee has a problem or complaint that is not the subject of a formal written dispute, or a suggestion, he or she should schedule a mutually agreeable time to discuss the matter with his or her immediate supervisor.

In the event that an employee ever feels that their complaint, problem, or suggestion has not been answered to their satisfaction, they have the right to discuss it with successively higher levels of supervision, up to the Village Manager if necessary. They simply notify their supervisor that they want to discuss their problem, complaint, or suggestion with the next level of supervision. The supervisor will instruct the employee where and with whom to make the appointment. All levels of the Village Management are available to listen to employee complaints, problems, or suggestions. It is the Village policy that such informal complaints, suggestions, or problems needing resolution move along the chain as quickly as possible.

Problems arise within any organization of human beings. We encourage you to attempt to resolve any that may occur as quickly and simply as possible. No one exercising his or her right to the chain of command is subjected to any form of retaliation by any Village employee, supervisor, manager, or other official.