

SEMINOLE COUNTY SHERIFF'S OFFICE GENERAL ORDER	NUMBER: G - 35
	RESCINDS:
SUBJECT: Discipline	
EFFECTIVE: November 14, 1994	
REVISED: March 4, 2025	

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I. PURPOSE:

- A. Sheriff's Office employees are members of a team working together to achieve one common goal: To enhance the quality of life by reducing crime and the fear of crime throughout Seminole County. Employees not following policies, procedures, rules or directives governing conduct not only penalize themselves, but do a disservice to the rest of the team and the citizens of Seminole County.
- B. It is Sheriff's Office policy that discipline is constructive and corrective, rather than destructive and punitive, and the administration of discipline will be used as an element of an overall philosophy to educate employees and to promote appropriate conduct. Discipline corrects improper behavior to improve services, safeguard good working conditions, and maximize productivity through effective management.
- C. The Sheriff shall ensure the timely, equitable and fair disposition of disciplinary actions determined to be necessary in effectively addressing employee deficiencies and misconduct.
- D. Although consistency in administering discipline is necessary, numerous factors may be considered in determining the appropriate level of discipline. Factors to be considered may include: the nature and severity of the offense, the employee's length of service, time intervals between offenses, effectiveness of prior disciplinary actions, the employee's demonstrated willingness to improve, overall work performance, and job attitude. Under circumstances where an employee's conduct could reasonably have been foreseen to result in serious consequences, discipline may be increased to reflect the severity of the offense.

II. SCOPE:

Violation of Sheriff's Office directives, including misuse of FCIC/NCIC/CJI data/information systems, or any action considered detrimental or counterproductive to the effective and efficient operation of the agency, may result in disciplinary action including, warning, reprimand, assignment to remedial training, reduction in pay, demotion,

suspension or termination. Given the circumstances surrounding an infraction, the Sheriff may deviate from the progressive and cumulative disciplinary process.

III. AUTHORITY TO IMPOSE DISCIPLINE:

- A. The Sheriff has the authority to impose all disciplinary action, but may delegate responsibility for warnings or reprimands to first-line or mid-level supervisors.
- B. Supervisors have the responsibility to act without the benefit of higher authority to temporarily suspend a subordinate employee from immediate duty. Such suspensions may be invoked for violations of the law or violations of Sheriff's Office policy where an endangerment to the public is created by the employee's action (intoxication, mental instability, illness, etc.).

IV. ROLE OF SUPERVISORS:

The role of supervisors, especially first-line supervisors, is crucial in the disciplinary process. First-line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted (remedial training, temporary suspension, counseling, or punishment). First-line supervisors also have the opportunity to understand the personality traits of personnel under their supervision and to determine the most effective methods of discipline. The authority attendant to supervisors relative to disciplinary actions is defined in this General Order according to the level of disciplinary action required.

V. PROGRESSIVE AND CUMULATIVE DISCIPLINE:

- A. Progressive discipline means that the employee is subjected to progressively more severe discipline where the standards of conduct continue to be violated for the same offense. The standards for disciplinary actions specify the range of disciplinary action that may be taken for each offense and the progressive discipline which may be imposed for each succeeding offense.
- B. Cumulative discipline means that prior offenses for which an employee was disciplined may be used by the disciplinary authority in determining the severity of the action to be taken for the current offense even though the prior offense(s) may not be similar to the current offense. In such situations the disciplinary action taken shall be both progressive and cumulative.
- C. Normally, discipline will be progressive only. However, when an employee commits different offenses and has demonstrated they are unwilling or unable to correct behavior to the extent necessary to conform to reasonable conduct or work standards, progressive and cumulative discipline may be warranted.

D. Definitions:

1. Counseling:

Counseling is an informal method of discipline designed to bring to the attention of the employee an area which is of concern to their supervisor. Counseling should be used if the offense is minor and the supervisor feels that the employee's behavior can be readily corrected. Every effort should be made to discuss the employee's behavior with them within five working days after the action has occurred or after the supervisor has been made aware of the incident. Supervisors should document this incident in their personal files for future reference.

2. Warnings:

Warnings should be used if counseling fails to correct previous behavior and if the offense is minor. Warnings should explain what the offense or problem is, why the offense is against the rules, prescribe or identify expected corrective action and when such action should be accomplished, and note the consequences of such continued behavior. Warnings should be made within five working days after the action has occurred, or after the employee's supervisor

has been made aware of the incident. If a warning is administered, it will be documented by the supervisor on an Employee Warning Record Form. Employee Warning Records must be endorsed by at least one higher level of authority than that of the issuing supervisor.

3. ***Education-Based Discipline***

In appropriate circumstances, it may be suggested by the employee's Chief or an employee may request education-based discipline be considered in lieu of a warning or reprimand. Only a Chief will approve any education-based discipline. Education-based discipline shall consist of an individualized plan intended to assist the employee in learning from their error without the harsh sanction of a permanent record being placed in their personnel file. Education-based discipline may be mandatorily imposed by the Sheriff or designee. If the employee's Chief agrees to the employee's request for education-based discipline, the Chief will prepare a Corrective Action Plan and present it to the employee. If the employee agrees to the plan, the Chief will ensure the employee completes the requirements and will indicate in writing that the requirements have been fulfilled. Records related to education-based discipline will be stored in Professional Standards and will not become part of the employee's personnel file.

4. ***Reprimand:***

A reprimand is the second step in progressive discipline process and will be documented by the employee's supervisor on an Employee Warning Record Form. Reprimands are administered when less severe disciplinary action has been unsuccessful; corrective action has not been taken by the employee; or the infraction is serious enough to warrant this action. A reprimand should be made within five working days after the action has occurred or after the supervisor has been made aware of the incident. Employee Warning Records must be endorsed by at least one higher level of authority than that of the issuing supervisor.

5. ***Suspension:***

Suspensions are administered by the Sheriff with the recommendation of the employee's supervisor, Chief, and/or a Disciplinary Review Board. Suspension actions are initiated when less severe disciplinary actions have been unsuccessful; when corrective actions have not been taken by the employee; or the infraction is serious enough to warrant this action. Suspension actions may be taken after an administrative investigation has been conducted, or if the Sheriff feels that there is sufficient justification to warrant such actions.

6. ***Demotion:***

Demotion action will be administered by the Sheriff with the recommendation of the employee's supervisor, Chief, and/or a Disciplinary Review Board. Demotion actions are initiated when less severe disciplinary actions have been unsuccessful; when corrective actions have not been taken by the employee; the infraction is serious enough to warrant this action; or the employee is unable or unwilling to perform the duties and responsibilities of the assigned position. Demotion actions may be taken after an administrative investigation has been conducted, or if the Sheriff feels that there is sufficient justification to warrant such actions. Demotion actions may result in a reduction in rank, change of position, and/or reduction in pay.

7. ***Dismissal:***

Dismissal is determined to be the most severe disciplinary action and may only be administered by the Sheriff.

8. ***Standards for Disciplinary Actions:***

The purpose of disciplinary standards is to assure reasonable consistency in the way employees are normally treated and to inform employees of the ranges of disciplinary actions that may be taken against them for certain offenses. These standards are not intended to include all offenses or circumstances. Other offenses may also be considered just cause for disciplinary action.

a. ***Inattention to Duty:***

Continued and deliberate idleness during work periods which results in the employee's failure to perform assigned tasks. This includes, but is not limited to, deliberately wasting time, engaging in idle talk or gossip, conducting personal business during work periods, or excessive personal telephone calls.

First Occurrence:	Warning.
Second Occurrence:	Reprimand.
Third Occurrence:	Suspension of up to ten days.
Fourth Occurrence:	Dismissal.

b. ***Tardiness:***

The failure to follow established work schedules. This includes reporting late at the beginning of the work schedule, returning late from lunch or rest breaks, all without approval.

First Occurrence:	Warning.
Second Occurrence:	Reprimand.
Third Occurrence:	Suspension of up to ten days.
Fourth Occurrence:	Dismissal.

c. ***Violation of Safety Practices:***

The failure to follow established safety practices. This includes the performance of unsafe acts, or failure to wear and/or use safety equipment.

First Occurrence:	Warning to five day suspension.
Second Occurrence:	Suspension from ten - 30 days, to dismissal.
Third Occurrence:	Dismissal.

d. ***Absence without Authorized Leave:***

This includes: (a) failure to obtain approval prior to any absence from work or assigned duty, except in the case of a proven emergency where the employee must be absent prior to receiving supervisory approval for the absence; (b) failure to comply with established procedures for notifying supervisory personnel or calling in on the first day of the absence; or, (c) obtaining leave based upon misrepresentation or falsification.

First Occurrence:	Reprimand to five day suspension.
Second Occurrence of (a) or (b), or First Occurrence of (c):	Suspension from ten - 30 days, to dismissal.
Third Occurrence of (a) or (b), or Second Occurrence of (c):	Dismissal.

e. ***Improper and/or Careless Use of Sheriff's Property or Equipment:***

Includes failure to observe the established speed limit while driving a Sheriff's vehicle, or while on Sheriff's property, or the accidental discharge of weapons.

First Occurrence:	Reprimand to five day suspension.
Second Occurrence:	Suspension from ten - 30 days, to dismissal.
Third Occurrence:	Dismissal.

- f. ***Leaving Work Area or Duty Assignment without Authorization:***
Absence from the work area or duty assignment during a work period without permission of the appropriate supervisor. This includes leaving a work area for a lunch or rest break, or at the end of the work schedule, without proper relief, where such relief or permission is a specific requirement.
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| First Occurrence: | Reprimand to five day suspension. |
| Second Occurrence: | Suspension from ten - 30 days, to dismissal. |
| Third Occurrence: | Dismissal. |
- g. ***Conduct Unbecoming an Employee:***
Conduct, whether on or off the job, that adversely affects the employee's ability to continue to perform his current job, or which adversely affects the ability of the Sheriff's Office to carry out its assigned mission. This would include, but is not limited to, disruptive or mischievous behavior; speaking loudly, rudely, or using coarse, profane or insolent language to co-workers, supervisors, or the public; or sleeping while on duty.
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| First Occurrence: | Reprimand to dismissal. |
| Second Occurrence: | Suspension from 10 - 30 days, to dismissal. |
| Third Occurrence: | Dismissal. |
- h. ***Indictment, Conviction, or a Preponderance of Evidence Involving Criminal Activity:***
The indictment, conviction, or a preponderance of evidence involving a criminal offense of an employee for a crime where such action adversely affects the employee's ability to perform his job, or which adversely affects the ability of the Sheriff's Office to carry out its assigned mission.
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| First Occurrence: | Reprimand to dismissal. |
| Second Occurrence: | Suspension from ten - 30 days, to dismissal. |
| Third Occurrence: | Dismissal. |
- i. ***Failure to Maintain Established Security Procedures:***
Failing to use ordinary or reasonable care, or the omission of or inattention to, the established security procedures for any Sheriff's facility, property, documents, confiscated contraband, or evidence.
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| First Occurrence: | Reprimand to dismissal. |
| Second Occurrence: | Suspension from ten - 30 days, to dismissal. |
| Third Occurrence: | Dismissal. |
- j. ***Misuse of Position:***
Misuse of position or abuse of the power or authority of a position for personal reasons, or for the financial gain of the employee or another person.
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| First Occurrence: | Reprimand to dismissal. |
| Second Occurrence: | Suspension from 10 - 30 days, to dismissal. |
| Third Occurrence: | Dismissal. |
- k. ***Negligence:***
Failing to use ordinary or reasonable care in, or the omission of or inattention to, the performance of assigned duties and responsibilities. Negligence is synonymous with carelessness and signifies lack of care, caution, attention, diligence or discretion.

First Occurrence:	Reprimand to dismissal.
Second Occurrence:	Suspension from ten - 30 days, to dismissal.
Third Occurrence:	Dismissal.

l. ***Unauthorized Use of Sheriff's Office Property, Equipment or Personnel:***

Using any Sheriff's Office property, credit cards, equipment, or personnel for any purpose other than official Sheriff's Office business. This would also include the unauthorized disclosure of privileged information.

First Occurrence:	Reprimand to dismissal.
Second Occurrence:	Suspension from ten - 30 days, to dismissal.
Third Occurrence:	Dismissal.

m. ***Violation of Written Directives:***

A violation of any authorized written directive that has been made known to the employee.

First Occurrence:	Warning to dismissal.
Second Occurrence:	Reprimand to dismissal.
Third Occurrence:	Suspension from ten days to dismissal.

n. ***Insubordination:***

A deliberate refusal to obey a Supervisor's direct order. This includes both an expressed refusal to obey a proper order as well as a deliberate failure to carry out an order and the failure to comply with written or oral instructions from supervisory personnel. Insubordination also includes the hindrance of the effective and efficient operation of the Sheriff's Office, its employees, policies and programs.

First Occurrence:	Reprimand to dismissal.
Second Occurrence:	Dismissal.

o. ***Falsification of Records, Making False Statements, Giving False Testimony:***

Includes an intentional act of misrepresentation, falsification or omission of any fact, whether verbal or written, on such records as, but not limited to, time and attendance (leave); employment status; employment application; travel vouchers, and work/production reports. Includes giving false testimony during official or unofficial proceedings.

First Occurrence:	Suspension from three - 30 days to dismissal.
Second Occurrence:	Dismissal.

p. ***Failure to Cooperate in any Work Related Investigation:***

Refusing to cooperate in any work related investigation.

First Occurrence:	Suspension from three - 30 days to dismissal.
Second Occurrence:	Dismissal.

q. ***Drinking Alcoholic Beverages on the Job or Reporting to Work Under the Influence of Alcohol:***

Drinking alcoholic beverages (except as authorized in performing specifically assigned duties) on the job, reporting to work under the influence of alcoholic beverages shall result in the administration of discipline in accordance with the guidelines identified below. However, if public confidence or working conditions are obviously and

adversely affected by the employee's behavior, they may be immediately removed from the job pending an administrative investigation.

First Occurrence:	Suspension from ten - 30 days, to dismissal.
Second Occurrence:	Dismissal.

r. ***Sexual Harassment:***

Sexual harassment is any form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature 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.

First Occurrence of (a) or (b):	Dismissal.
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First Occurrence of (c):	Suspension from three - 30 days to dismissal.
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Second Occurrence of (c):	Dismissal.
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s. ***Unexcused Absence from Scheduled Training:***

Failure to properly notify (in accordance with the General Order *Training*) the Professional Development Division when unable to attend a scheduled internal or external training program, ignoring an order to attend a training program, or refusal to participate while in attendance at a training program.

First Occurrence:	Reprimand to one day suspension, which may also include the repayment of incurred fees or related expenses.
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Second Occurrence:	Suspension from one to three days, and the repayment of incurred fees or related expenses.
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Third Occurrence:	Suspension from three to 30 days and the repayment of incurred fees or related expenses, to dismissal.
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t. ***Failure to Schedule and/or Attend Mandatory Training/Retraining:***

First Occurrence:	Reprimand to one day suspension, which may also include the repayment of incurred fees or related expenses.
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Second Occurrence:	Suspension from one to three days, and the repayment of incurred fees or related expenses.
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Third Occurrence:	Suspension from three to 30 days and the repayment of incurred fees or related expenses, to dismissal.
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u. ***Misuse of FCIC/NCIC Systems:***

Misusing FCIC/NCIC systems in violation of User Agreements, to include the unauthorized disclosure of privileged or confidential information, using the systems for personal or private gain, or running criminal history checks for friends, neighbors, or businesses.

First Occurrence:	Reprimand to dismissal
Second Occurrence:	Suspension from 10-30 days to dismissal
Third Occurrence:	Dismissal

VI. *DISCIPLINARY PROCEDURES:*

Supervisors are given latitude to administer counseling and oral and reprimands, and are allowed to make recommendations for further disciplinary action. The following procedures apply in administering discipline:

- A. The supervisor shall ensure that the subordinate is aware of any applicable written directives.
- B. Counseling should consist of one-on-one contact with the supervisor and employee. A counseling session should be held at a time and place to ensure privacy, and should occur no later than five working days after an offense has occurred or after the supervisor is made aware of the offense. The supervisor should openly discuss the situation with the employee and explain how their behavior has affected job performance. Supervisors should retain personal notes of the counseling session, including reactions from the employee.
- C. Warnings shall be documented by a supervisor on the Employee Warning Record Form and forwarded to the appropriate Chief or Executive Director. A copy of the form and any supporting documentation shall be submitted to the Human Resources Division by the Chief or Executive Director for inclusion in the employee's personnel file.
- D. Education-based discipline is an individually proposed option that is voluntarily developed and approved by the Sheriff or his designee. The discipline shall document the infraction and advise the employee that further offenses may result in progressively severe discipline,
 - 1. In appropriate circumstances, an employee may request education-based discipline be considered in lieu of a warning or reprimand.
 - 2. Education-based discipline may be given by a Chief or higher authority for unacceptable acts of behavior for which prior forms of disciplinary actions have failed. Education-based discipline can be provided as an option under the following circumstances:
 - a. When an employee's actions require corrective action,
 - b. When an employee has fully cooperated with their Administrative Investigation or Supervisory Inquiry, and has admitted their error,
 - c. When a corrective action plan can be developed to assist the employee in learning from their mistake.
 - 3. If an employee accepts an Education-Based discipline corrective action plan, he/she must complete all conditions of the Corrective Action Plan within the specified time period, or will be required to serve the full suspension and loss of pay.
 - 4. If an employee does not request Education-Based discipline it will not be notated on the warning or reprimand.

5. The ultimate decision on the determination of discipline rests with the Sheriff or his designee.
- E. Reprimands are documented by supervisors on *Employee Warning Record Forms* and forwarded to the appropriate Chief or Executive Director. A copy of the form will be given to the employee by the issuing supervisor. A copy of the form and any supporting documentation shall be submitted to the Human Resources Division by the Chief or Executive Director for inclusion in the employee's personnel file. The reprimand shall document the infraction and advise the employee that further offenses may result in progressively severe discipline.
- F. *Remedial Training:*
1. Remedial training will be provided to employees whose job performance has been determined less than acceptable. Remedial training will be provided under the following circumstances:
 - a. When an employee requests remedial training in specific areas in which they perceive a problem in their performance,
 - b. When requested by an employee's supervisor as a result of routine work observation or a performance evaluation which identifies a deficiency,
 - c. When an employee fails to successfully complete a training program, or
 - d. When ordered by the Sheriff.
 2. All requests for remedial training will be forwarded in writing to the Human Resources Division, through the employee's chain of command.
 3. Upon receipt of a request, the Human Resources Division will review all pertinent information and recommend a remedial training strategy to the employee or to the employee's Captain to begin as soon as possible, but no later than (10) business days of the request. Remedial training shall be completed within an appropriate time frame depending on the type of training. Remedial training strategies may include:
 - a. Referring the employee to a specific training course offered by a local Criminal Justice Standards and Training Commission training academy, community college, or other training source;
 - b. Referring the employee to a specific training course offered by the Sheriff's Office through the Human Resources Division; and
 - c. Referring the employee to individualized remedial training as may be provided by an appropriate supervisor or Field Training Deputy.
 4. If an employee fails to successfully complete required remedial training, the Human Resources Division will notify the employee's Chief, in writing. The employee's Chief may:
 - a. Direct that additional remedial training be administered,
 - b. Recommend to the Sheriff that disciplinary action be taken; or
 - c. Recommend to the Sheriff that the employee be reassigned or reclassified to a position that does not require use of the skills or knowledge in which the deficiency occurs.

- G. Reductions in pay, demotions, suspensions or dismissals shall be administered by the Sheriff upon observing or confirming deficiencies in performance or violations of written directives. Notification of such actions will be made a part of the employee's personnel file.
- H. Human Resources shall maintain records of disciplinary actions in employees' personnel files, and retain them in accordance with guidelines recommended by the Florida State Bureau of Archives.

VII. DISCIPLINARY REVIEW BOARD:

- A. When an employee is investigated, and the inquiry or investigation results in sustained violations, the inquiry or investigation report will be forwarded to the Sheriff.
- B. The Sheriff will determine whether a Disciplinary Review Board is to be convened. If a Disciplinary Review Board is to be convened:
 - 1. The Sheriff will direct a Chief to order the formation of a Disciplinary Review Board consisting of the following members: one Chief, one Captain or Director, and one Lieutenant or Section Manager. The Chief shall notify the members of the time, date, and location of the meeting.
 - 2. The Chief shall advise the affected employee in writing of the scheduling of the Disciplinary Review Board and will give the employee the opportunity to select two representatives from the list of full-time Sheriff's Office employees to participate as members of the Disciplinary Review Board.
 - 3. The Disciplinary Review Board will review the matter. In writing, and through the affected employee's Chief, they will notify the Sheriff and recommend disciplinary actions, if any, to be taken.
- C. Disciplinary Review Board recommendations are not binding on the Sheriff. The Sheriff has the sole authority to impose greater or lesser discipline than that recommended by the Board.

VIII. PROCEDURAL PROCESS:

- A. Terminated, non-probationary employees shall be provided with the following information via a written letter or statement:
 - 1. Reason for the dismissal and the date it becomes effective,
 - 2. Status of any fringe or retirement benefits after dismissal, and
 - 3. Content of the employee's employment record relating to the dismissal (record of disciplinary action).
- B. Appeal Procedures:
 - 1. After the final determination by the Sheriff has been made, a Classified Service employee who has been suspended or terminated shall be afforded the opportunity for a Civil Service Board hearing in accordance with the Board's Rules of Procedure.
 - 2. Non-classified employees have no recourse of appeal through the Civil Service Board's Rules of Procedure.