

Administrative Order



Administrative Order No.: 7-16

Title: Administration and Delegation of Authority to Discipline

Ordered: 7/7/1981

Effective: 7/7/1981

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter.

SUPERSEDES:

This Administrative Order supersedes previous A.O. 7-16 dated June 6, 1978.

POLICY:

In accordance with Section 2-47 of the County Code an employee may be suspended, reduced in grade or dismissed by the Director of his department or the director's designee in the manner provided in an Administrative Order. This Administrative Order establishes the policy and procedure to effectuate such delegation. Department directors are specifically authorized to request approval of the delegation of disciplinary authority solely in accordance with this Administrative Order. Approval of the dismissal or demotion of an employee shall continue to be exercised only by a Department Director. Authority to suspend or reprimand may be delegated to an appropriate level of administration or supervision. The purpose of such delegation is to provide an appropriate distribution of administrative authority and an affirmation of specific responsibilities to supervisors in order to increase their accountability for disciplinary action. A closer proximity between lesser disciplinary offenses and the exercise of corrective action will improve the disciplinary system. Fairness to employees and effectiveness of the disciplinary system are consistent and important objectives of personnel management. Employees will have the right to discuss reprimands with Department Directors or Division Directors.

Part I - Dismissal and Reduction in Grade

Only the Department Director or, in his absence, the person officially designated by him to act in his behalf as "acting director", is authorized to dismiss an employee or reduce an employee in grade. These forms of discipline are non-delegatable.

APPLICATION:

Part II - Authority to Delegate

The Department Director may request approval of the delegation of authority to suspend an employee to a lower level of administration by making a specific request to the County Manager and placing on file with the Manager the exact title designation of those positions which shall be authorized to suspend. Such lists shall include the name of the person holding said position at the time of the request and thereafter be kept current; however, absence of a current name designation shall not void or affect any disciplinary action taken by the actual holder of the listed position. If a Department Director does not request approval of the delegation of disciplinary authority, or does not receive such approval from the County Manager, he/she shall continue to be solely responsible for the approval of all disciplinary actions.

Part III - Delegation of Authority to Suspend

The County Manager may approve the delegation of authority to suspend employees to Assistant Department Directors, Division Directors, and those managers and supervisors of organizational units who report directly to the above. Assistant Department Directors are those specifically holding that title with the approval of the County Manager. Division Directors are those whose positions within the department are so listed in the official table of organization. In departments or agencies where positions are not specifically listed as "Division Director", or by any other title containing the word "division", equivalent status may be inferred from the internal structure of the department or agency and shall be confirmed by reference to the list of titles submitted by the Department Director and the Manager's actual approval of the delegated authority under this Administrative Order. The County Manager may also approve requests from Department Directors to delegate the authority to suspend employees to those managers and supervisors of major organizational units, who are not covered in the above provisions. Such requests should include a justification and a description of the major organizational unit. Nothing provided herein shall alter or affect the authority of an employee "acting" in the capacity of a Department Director or other delegated position to properly perform in the absence of the designated or delegated authority. When approved by the Board of County Commissioners, the County Manager, or as otherwise required by law, the terms "Agency" and "Department" shall be synonymous.

Part IV - Delegation of Authority to Reprimand

The County Manager may approve the delegation of authority to reprimand employees to Assistant Department Directors, Division Directors, and to additional departmental supervisory personnel as requested by the Department Director, after the Department Director has placed on file with the Manager the classification titles of those supervisors who shall be authorized to reprimand. If only certain members of a

classification will be delegated this authority, the names of the specific supervisors so authorized should be maintained on a list kept by the Department Director. This list should be updated as necessary. For those job classifications which are not specifically titled "supervisory", equivalent status may be inferred from the internal structure of the department and shall be confirmed by reference to the list of classifications submitted by the Department Director and approved by the Manager.

Part V - Discussion of Reprimand

An employee who receives a written reprimand shall be entitled to discuss such action with the Department Director, or with an Assistant Department Director or Division Director, specifically designated to carry out such responsibility. Such discussion shall be an informal administrative action to ensure that proper procedure has been followed in the issuance of the reprimand. Designation of the Assistant Department Director or Division Director to carry out such responsibility may be done by internal department administrative order. No other authority for such designation is required. The employee shall be entitled to such discussion upon requesting it in writing through his immediate supervisor within fourteen (14) calendar days of the issuance of the reprimand. If the person approving the reprimand is the Assistant Director or a Division Director, the discussion, as stated herein, shall be provided by the Department Director or Assistant Director, respectively, as required.

PROCEDURE:

Nothing provided in this Administrative Order shall extend the rights of any employee under Section 2.47 of the Code except as specifically provided above. The County Manager shall maintain an official record of approved delegations of authority in accordance with the requirements of this Administrative Order. Delegated authority to suspend or reprimand shall become effective when the County Manager approves the request of the Department Director in writing.

Merrett R. Stierheim

County Manager