



Florida Inspectors General

Melinda M. Miguel
Chief Inspector General

Standards of Conduct for State Employees

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Standards of Conduct for State Employees

Rule 60L-36, F.A.C. Conduct of Employees

- 60L-36.001: Scope and Purpose
- 60L-36.002: Political Activities
- 60L-36.003: Relationships with Regulated Entities
- 60L-36.004: Sexual Harassment
- 60L-36.005: Disciplinary Standards



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Rule 60L-36.001, F.A.C. Scope and Purpose

This chapter sets forth the rules governing the conduct of employees in the State Personnel System



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Standards of Conduct for State Employees Political Activities

Florida Statutes prohibit an employee from:

- Holding, or being a candidate for, public office, or
- taking any active part in a political campaign while on duty.

However...

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Rule 60L-36.003, F.A.C. Relationships with Regulated Entities

“Relationships between employees and regulated entities give rise to the potential for conflicts of interest.”

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Rule 60L-36.003, F.A.C. Relationship with Regulated Entities (cont.)

An employee exercises regulatory responsibility if the employee has direct responsibility for any of the following:

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Rule 60L-36.003, F.A.C.

- Determining compliance with federal, state, or local statutes or regulations.
- Determining or recommending whether the agency should issue, revoke, cancel or suspend a license.
- Approving transactions between the agency and an entity.
- Exercises custody, supervision, care, or treatment of those persons committed to a state institution.

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Rule 60L-36.003, F.A.C.

Relationships with Regulated Entities (cont.)

If an employee holds himself or herself out, verbally or in writing, as available for employment by, or for a contractual relationship with, a regulated entity, or if the employee receives an offer from a regulated entity for employment or for a contract,

the employee shall notify the agency in writing within five days.

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Rule 60L-36.003, F.A.C.

Relationships with Regulated Entities (cont.)

If an employee receives from a regulated entity a gift valued at \$25 or more, the employee shall notify the agency in writing within five days.

No employee shall accept any gift based upon an understanding that the official acts or judgment of the employee will be influenced thereby.

If an employee obtains a financial interest in a regulated entity, the employee shall notify the agency in writing within five days.

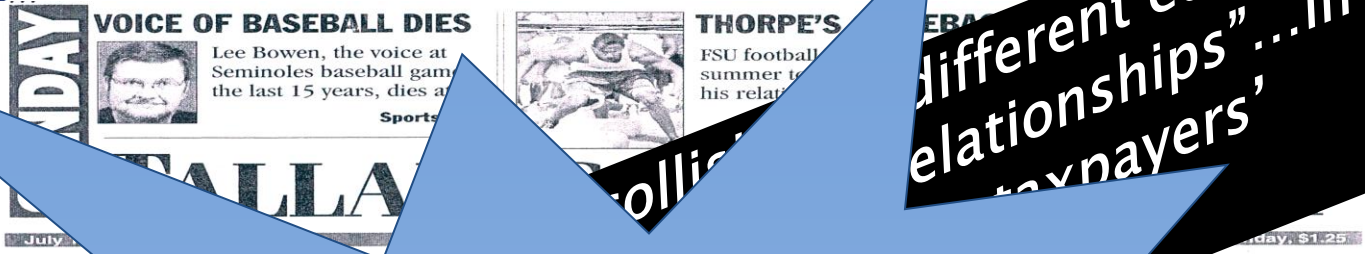
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Rule 60L-36.003, F.A.C.



"The boundary between public and private sector is blurred."

"Adding worlds...in government dollars"

"Different ethical relationships...in taxpayers'."

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Rule 60L-36.004, F.A.C. Sexual Harassment

Agencies shall not tolerate sexual harassment.

Agencies shall discipline any employee who engages in sexual harassment, according to the agency's policy.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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Rule 60L-36.004, F.A.C. Sexual Harassment (cont.)

- Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment

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Rule 60L-36.004, F.A.C. **Sexual Harassment (cont.)**

Any supervisory or managerial employee who has knowledge of sexual harassment shall:

- Immediately report the matter directly to the person the agency has designated to receive complaints of sexual harassment.
- Failure to do so shall subject the employee to disciplinary action.

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Rule 60L-36.004, F.A.C. Sexual Harassment (cont.)

Any employee who knowingly files a false complaint of sexual harassment shall be subject to disciplinary action.

Agencies shall not tolerate retaliation against any person who has in good faith:

- filed a complaint, opposed a complaint, or
- participated in any manner in an investigation or proceeding, involving allegations of sexual harassment.



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Rule 60L-36.005, F.A.C. Disciplinary Standards

This rule sets forth the minimal standards of conduct that apply to all employees, violation of which may result in dismissal.

Employees outside the permanent career service may be dismissed at will.

Permanent career service employees may be suspended or dismissed only for cause, which shall include, but not be limited to, the following:

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Poor Performance

Employees shall strive to perform at the highest level; they shall do more than “just get by.”

Employees are expected to be reliable and dependable, for example:

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Poor Performance

- To show up for work, ready to work, on a reliable basis,
- to observe established work hours and scheduled appointments,
- to complete work on time,
- to obtain permission before being off work, and
- to schedule leave in a manner that minimizes work disruption.

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Poor Performance

Employees are expected to be effective, for example:

- To organize their work,
- to stay focused on job related activities,
- to provide the level of effort necessary to get the job done,
- to demonstrate willingness and ability to make decisions and exercise sound judgment,

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Poor Performance

- to produce work that consistently meets or exceeds expectations,
- to accept responsibility for their actions and decisions,
- to adapt to changes in work assignments, procedures, and technology, and
- to be committed to improving individual performance.

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Negligence

Employees shall exercise due care and reasonable diligence in the performance of job duties.

Inefficiency or inability to perform assigned duties

- Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Inefficiency or inability to perform assigned duties

Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Insubordination

Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority.

Employees shall resolve any differences with management in a constructive manner.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Violation of law or agency rules

Employees shall abide by the law and applicable rules and policies and procedures.

All employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Violation of law or agency rules

An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction.

Employees shall abide by both the criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Conduct unbecoming a public employee

Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state.

Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Conduct unbecoming a public employee

Employees shall maintain high standards of honesty, integrity, and impartiality.

Employees shall place the interests of the public ahead of personal interests.

Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Conduct unbecoming a public employee

Employees shall protect state property from loss or abuse, and they shall use state property, equipment and personnel only in a manner beneficial to the agency.

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Misconduct

Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee's particular position.

For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in law enforcement officers. By way of further example, people are generally free to relate with others, but it may be entirely unacceptable for certain employees to enter into certain relations with others, such as correctional officers with inmates.

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Rule 60L-36.005, F.A.C. Disciplinary Standards – Habitual drug use

Agencies shall not tolerate violations of Florida's Drug Free Workplace Act, Section 112.0455, Florida Statutes, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.

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Rule 60L-36.005, F.A.C.

Disciplinary Standards – Conviction of any crime

including a plea of nolo contendere and a plea of guilty with adjudication withheld.

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CONCLUSION

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