

EMPLOYEES CHARGED WITH CRIMES

SUMMARY

In accordance with Section 2-42 (22) of the Code of Miami-Dade County, any employee indicted by a Grand Jury or against whom an "information" has been filed by a prosecuting official will be automatically suspended from the County service. Such suspension shall remain in effect until the indictment or criminal charges have been fully disposed of by trial, quashing or dismissal. Additionally, in accordance with the provisions of County Administrative Order 7-39, any Miami-Dade County employee who is arrested within a reasonable amount of time not to exceed three (3) calendar days, notify the concerned Department Director or his/her designee.

The following procedures explain the County's policy on employees committing a crime.

PROCEDURE

1. Ascertain if the employee:
 - a. has been arrested and charged by the police with a misdemeanor or a felony; or
 - b. has had a criminal "information" filed by the State Attorney for a misdemeanor or felony; or
 - c. has been indicted by a Grand Jury for a misdemeanor or a felony.
2. Automatically suspend the County employee, without pay, if felony criminal "information" has been filed by the State Attorney's Office or if the employee has been indicted for a felony by a Grand Jury.
3. Send the employee a letter stating that the employee is automatically suspended, without pay, as of the date of the filing of the criminal "information" or felony indictment.
4. Record suspension without pay and the reason using "x's" on the Payroll and Attendance Record (PAR) sheets or remove the employee's name entirely from the PAR sheet by completing Personnel Change Document (PCD).
5. Automatic suspension continues until the final outcome of criminal proceedings.
6. If convicted of a felony, the employee automatically forfeits the position.
7. If the employee is found not guilty, is acquitted, the charges dropped, or adjudication is withheld, then the employee is entitled to reinstatement with full back pay.
8. No County employee will be reinstated to the County service from an automatic suspension under section 2-42 (22) of the Code of Miami-Dade County without prior written approval from the Department's Deputy Mayor.

Important Note

The department should evaluate whether it is appropriate to bring disciplinary action against an employee since a violation of County or departmental rules may also have occurred. The disciplinary process is separate and distinct from the criminal process. In case of disciplinary action, a department should gather all pertinent facts and proceed in accordance with Administrative Order 7-3, Disciplinary Action and should proceed with appropriate disciplinary action at the earliest opportunity separate apart from the criminal proceedings. Departments are required to review such cases with Human Resources Department's Labor Management section, in order to determine the appropriate disciplinary action to be imposed.

CONTACT(S):

Department/Division

Human Resources Department/Labor Management
Dade County Courthouse/Grand Jury
State Attorney's Office

REFERENCE DOCUMENT(S):

Code of Miami-Dade County, Section 2-42 (22)
Administrative Order 7-3, Disciplinary Action
Administrative Order 7-39, Employees Arrested On or Off Duty