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**Chapter 86 PERSONNEL\***

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**\*Charter reference(s)**--Personnel, art. X.

**Cross reference(s)**--Administration, ch. 2; officers and employees, § 2-81 et seq.; employee benefits, § 2-191 et seq.

**Special acts reference**--Administration, ch. 202.

**State law reference(s)**--Powers of chartered counties, Fla. Const. art. VIII, § 1(g); public officers and employees generally, F.S. chs. 111, 112; general powers of county relative to officers and employees, F.S. § 125.01(1)(s), (1)(u), (1)(v), (1)(bb).

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## ARTICLE II. MERIT SYSTEM

### DIVISION 1. GENERALLY

#### **Sec. 86-31. Purpose.**

It shall be the purpose of this article to establish the policies and procedures for a merit system of personnel administration. The policies and procedures have as their purpose the promotion of efficiency and economy of government, promotion of the morale and well-being of employees, and promotion of equal employment opportunity for all candidates for employment and for all county employees.

(Ord. No. 81-19, § 1.01, 9-3-81)

#### **Sec. 86-32. Policy.**

The rules and regulations set out in this article are based on merit principles and provide a means to ensure:

- (1) That all personnel actions, including recruitment, selection and advancement of employees, shall be on the basis of their relative knowledge, skills and abilities.
- (2) That employment in the service of the county shall be made attractive as a career and each employee shall be encouraged to render his best service to the county.
- (3) That suitable and adequate compensation is provided to all employees.
- (4) That training is provided as needed for high-quality performance and to promote career development.
- (5) Retention of employees on the basis of the adequacy of their performance, correction of inadequate performance, and separation of employees whose inadequate performance cannot be corrected.
- (6) Fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, or physical or mental handicap, and with proper regard for their privacy and constitutional rights as citizens.
- (7) That employees are protected against coercion for partisan political purposes and are free to exercise their rights as citizens to express their opinions and to cast

their votes.

(Ord. No. 81-19, § 1.02, 9-3-81)

**Sec. 86-33. Equal employment opportunity.**

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration because of political or religious opinions or affiliations or because of race, national origin or other nonmerit factors is prohibited. Discrimination on the basis of age or sex or physical disability is prohibited except where specific age, sex or physical requirements constitute a bona fide occupational qualification necessary to proper and efficient administration. Any applicant or employee who feels he has been discriminated against may process an appeal in accordance with the discrimination complaint procedure.

(Ord. No. 81-19, § 1.03, 9-3-81)

**Charter reference(s)**--Employment policy, § 1002.

**State law reference(s)**--Employment discrimination prohibited, F.S. § 112.042 et seq.

**Sec. 86-34. Coverage.**

This article shall apply to all positions and employees in the classified service. Provisions with respect to general provisions, position classification, compensation plan, and employee benefit programs apply to all employees in the unclassified service except elected officials, persons appointed to fill vacancies in elected offices, and members of advisory boards, commissions and committees. These policies shall serve as a guide to the administration of the personnel system of the county in keeping with basic merit principles. The policies are not all-inclusive; final discretion as to interpretation and as to the appropriate course of action concerning a particular personnel matter shall be that of the county manager.

(Ord. No. 81-19, § 1.04, 9-3-81; Ord. No. 85-25, § I, 11-7-85; Ord. No. 95-16, § I, 4-20-95)

**Sec. 86-35. Conflicting provisions or agreements.**

(a) All state and federal laws that are in conflict with this article and which preempt the provisions of this article by mandatory application to local employees shall repeal these provisions to the extent they are applicable.

(b) The provisions of this article may also be modified by the terms of any collective bargaining agreement entered into with the county under state law. The modification shall apply only to the members of the bargaining unit.



(Ord. No. 81-19, ch. XXV, 9-3-81)

**Sec. 86-36. Amendments to article.**

The county manager, in conjunction with the personnel director, and in consultation with the personnel board, shall be responsible for maintenance and preparation of amendments to this article as needed. A two-thirds vote of the full county council shall be required to amend this article.

(Ord. No. 81-19, § 23.01, 9-3-81)

**Sec. 86-37. Amendments to classification and compensation plans.**

Amendments of the classification and compensation plans and additions of classes to and deletions of classes from the classification plan, reassignments of classes from one pay range to another, and annual or periodic changes of pay rates for the pay ranges within the established pay schedules shall not be considered to be amendments to this article but shall be approved by resolution and a simple majority vote of the county council.

(Ord. No. 81-19, § 23.02, 9-3-81)

**Sec. 86-38. Classified service.**

The classified service shall consist of all positions within county government except those specifically designated as being within the unclassified service.

(Ord. No. 81-19, § 1.05, 9-3-81)

**Charter reference(s)**--Classified and unclassified service, § 1005.

**Sec. 86-39. Unclassified service.**

- (a) The unclassified service shall consist of the following:
- (1) Elected officials and persons appointed to fill vacancies in elected offices;
  - (2) The county manager;
  - (3) Aides to the county manager, in the operation of his immediate office;
  - (4) The director of administrative departments appointed by the county manager;
  - (5) One aide, appointed by the director, for each of the administrative departments;

- (6) Members of advisory boards, commissions and committees appointed by the council or the county manager;
- (7) Persons employed in casual employment for brief periods, but not in excess of 90 days, because of temporary increase in volume of work or emergency conditions. The authority to extend a temporary period of employment shall be approved by the personnel board in increments of 90 days;
- (8) Persons under contract to conduct special studies or perform special surveys or services;
- (9) Attorneys, physicians or dentists; and
- (10) Such other managerial positions as shall be determined by the personnel board.

(b) The determination of the personnel board shall be final as to whether offices and positions are under the classified service. Temporary and provisional employees shall be appointed in accordance with the provisions of this article.

(Ord. No. 81-19, § 1.06, 9-3-81)

**Charter reference(s)**--Classified and unclassified service, § 1005.

**Sec. 86-40. Responsibility for administration.**

(a) *County council.* The county council shall adopt and amend this article. A two-thirds vote of the full council shall be required to amend this article.

(b) *County manager.* The county manager shall:

- (1) Be responsible for administration and maintenance of this article in conjunction with the personnel director.
- (2) Appoint and remove all subordinate officers and employees, subject to the provisions of this article, excepting those appointed and removed by the county council. The county manager may designate department directors or certain division directors as appointing authorities.
- (3) Make the final decisions regarding acceptance, rejection or modification of advisory opinions received from the personnel board.
- (4) Perform such other duties and have and exercise such other powers in personnel administration as may be prescribed by law or this article.

(c) *Personnel director.* The county manager shall appoint a personnel director, who shall be responsible for the administration and technical direction of this article. The personnel director shall be chosen on the basis of professional training and experience in personnel administration and shall be appointed in the same manner as the directors of other county departments. The personnel director shall:

- (1) Administer this article and issue operating instructions and procedures and interpretations of this article as deemed necessary and appropriate.
- (2) Develop and administer such recruitment and examination programs as may be necessary and appropriate to obtain an adequate supply of qualified applicants to meet the needs of the county government.
- (3) Prepare and maintain a position classification plan that reflects on a current basis the proper classification of all positions.
- (4) Prepare and maintain a compensation plan that maintains county salary levels in a favorable competitive position in the relevant labor markets.
- (5) Prepare and recommend such amendments to this article as may be advisable to carry out the intent and purposes of a merit system of personnel administration.
- (6) Audit all payrolls and payroll changes, direct any corrective actions necessary and certify the correctness of each payroll.
- (7) Establish and maintain a roster of all employees in the county service.
- (8) Develop and direct employee orientation, training, counseling and career development in conjunction with department directors for the purpose of improving the quality of services rendered to the citizenry and of aiding employees to equip themselves for advancement in the county service.
- (9) Develop, maintain and supervise personnel systems, forms, procedures and methods of recordkeeping.
- (10) Certify to the propriety of appointments, promotions, demotions, discipline, dismissals and other personnel actions.
- (11) Administer an employee performance evaluation system for both probationary period and periodic reviews.
- (12) Administer the employee health, life and disability and other insurance programs and the worker's compensation plan.

- (13) Act as secretary and provide staff support to the personnel board.
- (14) Implement and maintain any affirmative action plan which may be adopted to ensure equal employment opportunity.
- (15) Submit an annual written report to the county manager covering the accomplishments of the personnel division in recruitment, classification and other major areas of personnel administration during the preceding fiscal year.
- (16) Perform such other duties and activities with reference to personnel administration not inconsistent with the county Charter or this article, as may be necessary or desirable to carry out the purpose of this article, as the county manager may direct, or as may be required by ordinance.

(d) *Department directors.* Department directors shall have responsibility, subject to other sections of this article, to select, retain, transfer, promote, discipline and separate employees within the department. They are expected to effectively supervise their employees, to report on the efficiency and performance of their subordinates, to notify the personnel director of changes in duties of their employees in order that the classification plan can be maintained, and to recommend salary increases. Department directors shall recommend desirable changes in the personnel policies and procedures to the personnel director to improve administration of the personnel system. Department directors may establish such rules as deemed necessary for the efficient and orderly administration of their departments. Such rules must be on file in the personnel division before they become effective and must be consistent with this article. Copies of department rules must be made available for use by employees.

(e) *Employees.* It shall be the responsibility of all employees to thoroughly acquaint themselves with the provisions of this article and the rules of the department within which they are employed. Employees are expected to conduct themselves at all times in such a way as to effectively and efficiently carry out their responsibilities to the department, the county and to the public. Employees are encouraged to submit suggestions for changes and improvements in personnel policies and procedures for improvement of the personnel system.

(f) *Personnel board.*

- (1) *Appointment and removal of members.* There shall be a personnel board consisting of five members and one alternate member who shall be appointed by the county council. The personnel board shall designate its own chairman and vice-chairman at least every two years. Members and alternates of the personnel board shall serve for a term of six years. Vacancies in an unexpired term shall be filled by the county council by appointment for the remainder of the term. A member or alternate of the personnel board may be removed by a two-thirds vote of the county council, only for cause and after being given a written statement of the charges and a public hearing thereon before the county council if so requested.

- (2) *Qualifications of members.* Each member of the personnel board shall be a qualified elector of the county, shall be known to be in sympathy with merit principles and a merit system of personnel administration, shall neither hold nor be a candidate for any public office or employment, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization.
- (3) *Powers and duties.* The principal functions of the personnel board are to serve in an advisory capacity in the administration of the merit system of personnel administration and to act as an independent forum in the hearing of adverse action, technical and discrimination appeals. The personnel board shall:
- a. Advise and counsel the county manager on aspects of personnel administration as requested.
  - b. Advise and assist the personnel director in fostering improvement of personnel administration.
  - c. Represent the public interest in the improvement of personnel administration in the county service.
  - d. Hear appeals in cases of any regular status employee involving dismissals, demotions, suspensions or reductions in pay (adverse actions).
  - e. Hear appeals in cases involving employee examination results or position classification decisions.
  - f. Hear appeals in cases involving allegations of illegal discrimination against employees in any personnel transactions.
  - g. Render advisory opinions to the county manager and the personnel director on appeals and other personnel matters brought before the personnel board.
  - h. Make inquiries and investigations as necessary concerning personnel administration in the county service and make recommendations with respect thereto.
  - i. Make annual reports and such special reports to the county council, the county manager or the personnel director as it considers desirable concerning personnel administration in the county service.
  - j. Meet at such times and places as shall be specified by call of the chairman of the personnel board. The board shall hold regular meetings in the

months of January, March, May, September and November, unless otherwise specified by the board.

The board and any member of the board shall have the power to administer oaths and call witnesses, and may, with the approval of the county manager, compel the production of books, records and papers pertinent to any investigation or hearing authorized by this article. Any person who shall fail to appear or to answer any question or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of an offense and punishable as provided this article.

(Ord. No. 81-19, § 1.07, 9-3-81)

**Charter reference(s)**--Personnel board, § 1003 et seq.; personnel director, § 1004 et seq.

**Sec. 86-41. Competitive division.**

(a) The competitive division shall consist of all positions in the classified service except those positions specifically designated as in the noncompetitive division.

(b) Permanent positions in the competitive division shall be filled through competitive examination or through reinstatement, reemployment, transfer or demotion except as may be otherwise provided in this article.

(Ord. No. 81-19, § 2.01, 9-3-81)

**Sec. 86-42. Noncompetitive division.**

(a) The noncompetitive division shall consist of unskilled manual laborers and such other classifications for which the personnel director, with the concurrence of the personnel board, determines that competitive examination is impractical.

(b) Positions in the noncompetitive division shall be filled without competitive examination but after such tests of fitness as the personnel director may determine to be appropriate and after certification by the personnel director that applicants meet the qualification standards for the position.

(c) Employees in the noncompetitive division shall be considered under this article as if they had been appointed from an eligible list.

(Ord. No. 81-19, § 2.02, 9-3-81)

**Sec. 86-43. Consolidation into or conversion to merit system coverage.**

When positions are brought into the merit system by ordinance or act of the county council or amendment of the county Charter, the conversion of the incumbents shall be as follows:

- (1) Incumbents with three years' or more service in a position on the effective date of consolidation or conversion who meet the qualification standards for the position shall be granted status in the classification.
- (2) Incumbents with less than three years but more than one year of service in a position shall be required to pass a qualifying examination within one year of the effective date of consolidation or conversion to remain in the position. A passing score on the qualifying examination shall confer status on the incumbent.
- (3) Incumbents with less than one year of service in a position on the effective date of consolidation or conversion shall be required to pass within certifiable range on a competitive examination within one year in order to be retained in the position.

(Ord. No. 81-19, § 2.03, 9-3-81)

**Sec. 86-44. Service of classified employees in unclassified positions.**

(a) An employee in the classified service may be granted a leave of absence to accept a position in the unclassified service.

(b) If such employee is separated from this unclassified position, he shall be returned to his former position or one of equal responsibilities and pay in the classified service.

(c) On return to the classified service, the employee shall be credited with the time served in the unclassified position for all purposes, including incremental salary increases.

(Ord. No. 81-19, § 2.04, 9-3-81)

**Sec. 86-45. Conduct of employees.**

(a) *Code of conduct.* Employees of the county government are employed to provide service to the citizenry of the county and the public in general and are expected to conduct themselves in a manner that will reflect credit on the county government, public officials, fellow employees and themselves. Employees must avoid any action which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting public business.

(b) *Political activity.* All employees are entitled to exercise their rights as citizens to express their opinions on all political subjects and candidates, to vote as they choose, to hold membership in and support a political party, to maintain political neutrality, and to attend political meetings. Classified employees and those unclassified employees in excepted positions may not:

- (1) Hold political office. Any employee becoming a candidate for nomination or election to any public office shall resign from his position. Any employee appointed to fill a vacancy in an elective office of county government may be placed on leave of absence from his position for the duration of the appointment or until such time as he may become a candidate for nomination or election.
- (2) Participate in the management, affairs or political campaign of any candidate for political office during work hours.
- (3) Solicit any assessments, contributions or services for any political party during work hours.
- (4) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.

An employee occupying a position funded in whole or in part by federal monies shall be subject to the federal Hatch Act except when that act is in conflict with this section, in which case the more stringent provisions shall apply.

(c) *Outside employment.*

- (1) Full-time employees are not encouraged but not prohibited from engaging in other employment during their off-duty hours. However, county employment shall be considered the primary employment; and no employee may engage in outside employment which in any manner interferes with proper and effective job performance, results in a conflict of interest or which may subject county government to public criticism or embarrassment.
- (2) Approval to engage in outside employment must be obtained in writing from the employee's appointing authority. If the specific conditions of the outside employment change, a new request for approval must be submitted. Failure to secure required approval may cause an employee to be suspended or discharged. Approval will at all times be subject to review and cancellation.
- (3) Disapproval of a request or cancellation of an existing approval may be appealed through the grievance procedure.

(d) *Gifts and gratuities.*

- (1) No employee shall solicit or accept any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any organization, business firm or person who has or is seeking to obtain business with the county government or from any organization, business firm or individual whose interests may be affected by the employee's performance or nonperformance of official duties. This restriction is



not intended to prohibit employees from obtaining loans from regular lending institutions.

- (2) Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement or illness; food and refreshments in the ordinary course of business meetings; unsolicited advertising or promotional material, e.g., pens, notepads, calendars, etc., or social courtesies which promote good public relations is permitted.
- (3) Contributions made for flower funds or special gifts for fellow employees are not prohibited. However, participation in such activities, including contributions for even nominal gifts to supervisors, must be wholly voluntary on the part of each employee, and any gifts should be of minimal value.
- (4) Supervisors, in addition, must avoid placing themselves in a position which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or accept favors from subordinates.
- (5) Inspectors, contracting officers and enforcement officers must be particularly careful to guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage or collusion.

(e) *Conflict of interest.*

- (1) No employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service:
  - a. That would cause a reasonably prudent person to be influenced in the discharge of official duties.
  - b. That is based upon any understanding that the vote, official action or judgment of the public officer, employee or candidate would be influenced thereby.
- (2) No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment or thing of value when such public officer or employee knows, or with the exercise of reasonable care should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.
- (3) No employee shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties,

to secure a special privilege, benefit or exemption for himself or others.

- (4) No employee shall have or hold any employment or contractual relationship (personal services) with any business entity or any agency which is subject to the regulation of, or doing business with, the county, excluding those organizations and their officers, who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the county; nor shall an employee have or hold any employment or contractual relationship that will create a conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.
- (5) No employee shall disclose or use information not available to members of the general public and gained by reason of his official position or benefit or for the personal gain or benefit of any other person or business entity.
- (6) It is not the intent of this section, nor shall it be construed, to prevent any employee of the county from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge of such employee of his duties to the county.
- (7) The provisions of this subsection (e) shall be construed to be consistent with state law regarding conflict of interest. Notwithstanding anything in this section to the contrary, employees are bound by all state laws respecting conflict of interest, including but not limited to any required disclosure of financial interests.

(f) *Business activities and solicitation.* No employee shall engage in any business other than his regular duties during working hours, including such activities as selling to fellow employees, lending of money for profit, etc.

(g) *Privileged information.* Employees may deal with plans, programs and information of significant public interest. Employees must not use this privileged information for their own financial advantage or to provide any other person with financial advantage, or with information which could be used for financial advantage. If an employee finds that he has an outside financial interest which could be affected by county plans or activities, he must immediately report the situation to his supervisor. Each employee is charged with the responsibility of ensuring that he releases only information that he has authority and responsibility to release and that should be made available to the general public. Violation of privileged information or use for private gain is just cause for dismissal. This section shall not be construed to be in conflict with the State Public Records Act, F.S. ch. 119.

(h) *Family employment restrictions.* No member of the immediate family of an employee may be employed, promoted, demoted or transferred on a permanent or temporary basis, to a position where that relative would be supervised by or supervising, or influenced by or influencing, the activities of that employee. For purposes of this subsection, the term "immediate

family" is defined as blood, marital or step relatives, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, step-sister, half-brother, half-sister, or any ward of an employee living within the same household.

(i) *Use of county property.* Employees should not, directly or indirectly, use or allow the use of county property of any kind for other than official activities.

(j) *Violations.* Any officer or employee of the county who knowingly violates any of the provisions of this section shall be subject to dismissal from his position in the county service.

- (1) No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of this article or in any manner commit or attempt to commit any fraud preventing the impartial execution of this article.
- (2) No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the county government.
- (3) No employee of the personnel office, or any other person, shall defeat, deceive or obstruct any person in their right to examination, eligibility, certification or appointment under this article, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the county service.
- (4) No councilmember during the term for which he has been elected or appointed, or for one year thereafter, shall be eligible for appointment to any office, position or employment in the county service which carries compensation.
- (5) Any county employee participating in a strike, as defined in F.S. ch. 447, pt. II (F.S. § 447.201 et seq.), shall be subject to termination from county employment.

(k) *Loyalty oath.* All persons who now or hereafter are employed by the county shall be required to take the state loyalty oath. Penalty for refusing shall be as prescribed by state law, which includes but is not limited to the immediate discharge of said person.

(Ord. No. 81-19, § 2.05, 9-3-81)

**Charter reference(s)**--Ethics, art. XII.

**State law reference(s)**--Political party membership, F.S. § 112.046; public ethics, F.S. §

112.311 et seq.; official oath, F.S. § 876.05.

**Sec. 86-46. Experimental programs.**

(a) The personnel director may establish experimental programs for the purpose of promoting efficiency, productivity and employee morale.

(b) The experimental programs may conflict with provisions of this article, and shall be in lieu of those provisions during the trial period.

- (1) *Trial period.* In no case shall the trial period extend beyond two years in duration without amending this article by incorporating the new program in this article, or by terminating the particular experimental program.
- (2) *Approval.* The county council shall approve by resolution any experimental program before it is implemented.

(Ord. No. 81-19, § 22.01, 9-3-81)

**Secs. 86-47--86-70. Reserved.**

DIVISION 2. POSITION CLASSIFICATION PLAN

**Sec. 86-71. Purpose.**

The position classification plan is an adjunct to the merit system which provides a systematic arrangement and inventory of all positions in the county service. The plan groups the various positions into classes with appropriate titles, descriptions of duties and responsibilities and types of work performed. Class specifications also list the minimum requirements or qualifications needed to perform the work of the class such as education, experience and knowledge, skills and abilities. By describing work duties and relationships, the position classification plan provides a basis for:

- (1) Equal pay for equal work.
- (2) Qualification standards for recruiting and examining purposes.
- (3) Analyzing work distribution, areas of responsibility, lines of authority and other relationships between positions.
- (4) Determining salaries and wages budget requirements.
- (5) Developing standards of work performance.

- (6) Establishing lines of promotion.
- (7) Determining training needs.
- (8) Uniform job terminology to convey the same meaning to all concerned.

(Ord. No. 81-19, § 3.01, 9-3-81)

**Sec. 86-72. Administration.**

The personnel director shall be charged with the administration and maintenance of the position classification plan so that the classes of work will reflect the duties included in each position in the county service and to ensure that each position is properly allocated to one of the classes. The personnel director shall periodically review the entire position classification plan as well as the allocation of all positions to classes within the plan and recommend revisions as appropriate.

(Ord. No. 81-19, § 3.02, 9-3-81)

**Sec. 86-73. Establishment and abolition of classes.**

Any change in the position classification plan such as establishing new classes, abolishing classes, reclassifying classes or pay grade changes for classes requires the approval of the county council.

(Ord. No. 81-19, § 3.03, 9-3-81)

**Sec. 86-74. Establishment and abolition of positions.**

(a) All positions in the merit system are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions can only be authorized by the county council, upon recommendation by the county manager, based on adequate justification of need and the availability of funds.

(b) Each authorized position is allocated to an appropriate class. The proper allocation and control of positions is the responsibility of the personnel director, who shall establish appropriate procedures to establish and abolish positions.

(Ord. No. 81-19, § 3.04, 9-3-81)

**Sec. 86-75. Allocation of positions.**

- (a) The personnel director shall allocate newly created positions to an existing class in the

position classification plan or to a new classification depending on the duties and responsibilities of the position and the availability of an appropriate existing class.

(b) Every position shall be placed in a specific class before final action can be taken on appointments, transfers, promotions, changes in pay grade status, or payment of salary involving the positions.

(c) Those positions which are sufficiently similar as to duties performed, level of responsibility, minimum requirements of training, education, experience or knowledge, skills and abilities and which merit approximately equal pay shall be allocated to the same class.

(Ord. No. 81-19, § 3.05, 9-3-81)

**Sec. 86-76. Class titles.**

The class title of a position shall be used to designate the position in all budget documents, payrolls and other official records, documents, vouchers and communications in connection with all personnel processes. Other working titles may be used for a position if desired by the appointing authority to designate the position for purposes not involving personnel processes.

(Ord. No. 81-19, § 3.06, 9-3-81)

**Sec. 86-77. Class specifications.**

(a) The personnel director shall maintain a master set of all approved class specifications, which shall constitute the official position classification plan. The official set shall contain all amendments to the original plan. The class specifications shall indicate the date of adoption or the last revision of the specification for such class.

(b) The class specification shall state the official class title, the characteristic duties and responsibilities which distinguish a given class from other classes, examples of typical duties, minimum qualification requirements and knowledge, and skills and abilities required to adequately perform in positions in the class.

(c) The specification shall be descriptive and explanatory but not restrictive or all-inclusive; that is, the class specification shall describe the more typical types of work which may be allocated to a given class but shall not be construed to restrict the assignment of other duties related to the class, nor shall it be construed as descriptive of what the duties and responsibilities of any particular position or individual incumbent shall be.

(d) Minimum qualifications are comprehensive statements of the minimum background as to education, training, experience and other qualifications which will be required in all cases as evidence of a person's ability to perform the work properly and therefore as prerequisites to acceptance for examination or noncompetitive appointment.

(e) The personnel director shall provide each appointing authority with a set of class specifications of those classes to which positions in his department are allocated and for such other classes as may be deemed appropriate.

(f) Class specifications in the personnel division or office of the appointing authorities shall be open for inspection by employees or the public under reasonable conditions during business hours.

(Ord. No. 81-19, § 3.07, 9-3-81)

**Sec. 86-78. Reclassification of positions.**

The personnel director has responsibility for the proper allocation of all positions in the position classification plan and shall change the classification of any existing position when it is warranted by a material and permanent change which occurs in the duties and responsibilities of a position which are of such nature and/or magnitude that allocation to a different class is justified.

- (1) The personnel director may request appointing authorities to submit position descriptions at any time he has reason to believe there has been a significant change in duties and responsibilities of one or more positions.
- (2) If an appointing authority or an employee has reason to believe that a position is improperly allocated, he may request the personnel director to review the allocation of the position. Such request by an employee shall be submitted through the department head and shall contain a statement of justification.
- (3) When a position is reclassified because of a change in the duties and responsibilities of the position, and is assigned a higher pay grade than the current classification, such change shall be considered a promotion if the position is occupied. The personnel director may require that the incumbent qualify by examination for the new class or may determine that a noncompetitive promotion is in order depending on the conditions of the reclassification, the nature of the position reclassified and the qualifications of the incumbent.
- (4) When a position is reclassified and the pay grade is not changed, the incumbent shall continue in the position without meeting the minimum qualification if changed and with whatever status he had in the previous classification.
- (5) When a position is reclassified to a class with a lower pay grade than the current classification, such change shall be considered a demotion for the incumbent, who shall, however, continue to receive the same salary rate. If possible, the incumbent may be transferred to another classified position for which he qualified that is comparable to the position held before reclassification.

- (6) Any reclassification which is denied or which results in a demotion for the incumbent may be appealed to the personnel board.
- (7) Reclassification or underslotting of a position shall not occur solely for the purpose of avoiding the use of a current eligible list.

(Ord. No. 81-19, § 3.08, 9-3-81)

**Secs. 86-79--86-100. Reserved.**

DIVISION 3. COMPENSATION PLAN

**Sec. 86-101. Purpose.**

The compensation plan is an adjunct to the merit system and is intended to provide all employees with fair and equitable pay and to provide a uniform system of payment.

(Ord. No. 81-19, § 4.01, 9-3-81)

**Sec. 86-102. Composition.**

The compensation plan shall consist of salary schedules showing pay ranges, including minimum and maximum rates of pay as may be deemed necessary and appropriate, and schedules showing the assignment of each class in the classification plan to pay ranges in the salary schedules.

(Ord. No. 81-19, § 4.02, 9-3-81)

**Sec. 86-103. Adoption.**

The personnel director shall prepare and present to the county manager a proposed or amended compensation plan at a designated time prior to the beginning of each fiscal year. The county council shall adopt a compensation plan to be effective during the next fiscal year or at such time as the council may designate and thereafter until amended or a new plan shall be adopted.

(Ord. No. 81-19, § 4.03, 9-3-81)

**Sec. 86-104. Assignment of classes to pay ranges.**

The personnel director, with the approval of the county manager, shall assign each class in the classification plan to one of the pay ranges in the salary schedules of the compensation plan.



(Ord. No. 81-19, § 4.04, 9-3-81)

**Sec. 86-105. Maintenance of plan.**

(a) The personnel director shall make annual or special comparative studies of salaries paid and related pay practices of a sampling of public and private employees in the various labor markets in which county employees are recruited. The personnel director shall utilize the information in the evaluation of assignments of classes to pay ranges and in proposing amendments to the salary schedules.

(b) Factors relevant in maintaining a sound, fair and equitable compensation plan include ranges of pay in other classes, prevailing rates of pay for similar employment in both public and private organizations in the labor markets from which merit system employees are recruited, cost-of-living factors, other benefits received by employees, the financial and economic considerations existing, and the ability to recruit and retain qualified personnel.

(Ord. No. 81-19, § 4.05, 9-3-81)

**Sec. 86-106. Applicability.**

All persons shall be employed and paid in accordance with the rates and policies established in the compensation plan for the specific class under consideration. The rate of pay set forth in the compensation plan shall not include allowance for actual and necessary travel or other expense authorized and incurred as incidental to employment or overtime.

(Ord. No. 81-19, § 4.06, 9-3-81)

**Sec. 86-107. New appointment starting rates.**

(a) A new employee shall normally be paid at the minimum salary of the assigned pay range; except that the personnel director may authorize a starting salary above the minimum, when necessary, when a prospective appointee possesses qualifications in excess of the minimum qualifications for the class, or when intense recruitment has failed to attract qualified applicants willing to accept employment at the minimum salary.

(b) To pay a starting salary above the minimum rate, the appointing authority shall provide written documentation that such action is justified by the exceptional qualifications of the applicant or by lack of qualified applicants available at the minimum salary to the personnel director for authorization.

(c) Consideration of requests for payment of salary above the minimum will involve evaluation of the applicant's number of years of appropriate experience, education or training in excess of the minimum requirements, and the quality of such experience, education or training.

(d) An employee receiving an appointment to a permanent position as a trainee shall be paid at a rate less than the minimum salary established for the position in accordance with an individual training and salary schedule which has been mutually agreed upon by the appointing authority and the personnel director. A trainee employee shall normally not be paid the minimum rate until the training has been satisfactorily completed. If an employee who is eligible and about to be appointed to a trainee position is already paid at a rate equal to, or higher than, the minimum rate, the personnel director may approve appointment at that higher rate or a lower rate depending on the individual circumstances.

(Ord. No. 81-19, § 4.07, 9-3-81; Ord. No. 88-31, § I, 9-15-88)

**Sec. 86-108. Merit increases.**

(a) Advancements within a pay range are a means of rewarding certain employees for continuing improvement of performance, encouraging careers with the county, providing employee incentive and recognizing individual differences in the performance of employees.

(b) Increases within a pay range are not automatic. Most are based on formal performance evaluations of the employee and certification by the appointing authority. Certain classes of employees may receive increases based on other criteria.

(c) The amount of the merit increase shall be determined by the appointing authority within the limits prescribed by the county manager.

(d) Merit increases shall normally be effective at the beginning of the first pay period following an employee's anniversary date. An appointing authority may, however, grant increases at other times with the authorization of the personnel director.

(e) An appointing authority may recommend a salary increase within a pay range, in addition to the regular merit increase, for exceptional service. Such increases, together with the regular merit increase, shall not exceed ten percent in any fiscal year. Written justification for such an increase must be submitted to the personnel director for approval.

(f) Merit increases may be granted on a prorated basis at different times between an employee's anniversary date and the ensuing 12-month period, providing that the total of such prorated increases falls within the limits prescribed by the county manager.

(g) An appointing authority may withhold a merit increase if an employee's performance is not satisfactory until such time as the employee has corrected his deficiencies or made satisfactory progress. Written notice of the withholding of a merit increase, the reasons for the delay, and what steps the employee must take to correct his deficiencies or to demonstrate satisfactory performance shall be given to the employee no later than his anniversary date. The withholding of a merit increase shall be reviewed by the appointing authority no more than 90 days after the employee's anniversary date. If the employee has demonstrated satisfactory performance, a merit

increase may be granted; if progress is being made toward satisfactory performance, the merit increase may be withheld up to an additional 90 days with notice to the employee; if progress is not evident, the appointing authority shall take appropriate action to separate the employee from the position.

(h) The anniversary date for an annual performance evaluation and merit increase shall be established based on the employee's date of initial hire or date of last promotion. An annual performance evaluation and merit increase (if applicable) shall be awarded thereafter on that date until the maximum of the pay range is reached or until the employee is promoted upon which they will receive a new anniversary date.

(i) The following factors shall not affect eligibility for a merit increase:

- (1) Pay adjustment resulting from the annual salary survey.
- (2) Transfer to another position within the same class or to another position in a different class assigned to the same pay range.
- (3) Military leave without pay necessitated by a draft or a reserve call-up because of a national emergency.
- (4) A period of paid leave.
- (5) Reclassification to a class within the same pay range or within a lower pay range.

(Ord. No. 81-19, § 4.08, 9-3-81; Ord. No. 88-31, § II, 9-15-88; Ord. No. 95-48, § I, 12-21-95)

**Sec. 86-109. Promotions and reclassification upward.**

When an employee is promoted to a position in a class assigned to a higher pay range or his position is reallocated to a higher pay range, his salary shall be no less than the minimum of the new pay range or no greater than the midpoint of the new salary range, upon approval of the personnel director, or a minimum of five percent if the employee's current salary is above the midpoint of the new pay range.

(Ord. No. 81-19, § 4.09, 9-3-81; Ord. No. 88-31, § III, 9-15-88)

**Sec. 86-110. Demotions and reclassification downward.**

(a) When an employee is demoted at his request or for cause to a class in a lower pay range he shall be paid at a rate which is within the lower pay range. The rate of pay shall be determined by the personnel director after consultation with the appointing authority of the demoted employee.

(b) When an employee's position is reallocated to a class assigned to a lower pay range, the employee shall be permitted to continue at his rate of pay and receive merit increases to the maximum of the lower range. If the present salary is above the maximum of the pay range for the lower class, the employee shall continue at his current rate of pay, but shall not be entitled to salary increases until the maximum of the lower pay range exceeds that rate of pay.

(Ord. No. 81-19, § 4.10, 9-3-81)

**Sec. 86-111. Transfers.**

When an employee is transferred from one position to another in the same class or to a position in another class with the same pay range, he shall continue to be paid at the same pay rate and shall retain his anniversary date.

(Ord. No. 81-19, § 4.11, 9-3-81)

**Sec. 86-112. Reinstatement and reemployment.**

A reemployed or reinstated employee shall be paid at a salary rate within the pay range to which the classification to which he is reemployed or reinstated is assigned. The salary rate may be determined by, but may not exceed, the rate paid the employee at separation.

(Ord. No. 81-19, § 4.12, 9-3-81)

**Sec. 86-113. Temporary work at a higher classification.**

(a) An employee may be required to perform duties in a higher classification on a temporary, incidental or emergency basis for a period of 30 calendar days or less with no change in classification or increase in pay.

(b) If the performance of duties in a higher classification is necessary beyond 30 calendar days, the employee shall be given a temporary promotion/reclassification to the higher classification and shall be paid at the appropriate rate in the higher pay range. Such temporary promotion/reclassification shall not exceed six months.

(c) At the conclusion of the temporary promotion/reclassification, the employee shall revert to his former classification and pay range.

(d) All service in the higher level classification shall count as service in the employee's regular classification for all purposes.

(Ord. No. 81-19, § 4.13, 9-3-81)

**Sec. 86-114. Overtime pay or compensatory time.**

(a) Overtime pay (or compensatory time) shall be given to eligible employees who work more than their regularly scheduled work hours in a work period provided that the scheduled work hours are not less than 35 hours.

(b) An eligible employee who works more than his regularly scheduled work hours in a work period shall be paid at a premium rate of pay for overtime hours (or receive compensatory time off at the same rate).

(c) Hours worked during a work period shall include all time an employee is required to be on duty on the employer's premises or at a prescribed workplace, including all approved paid leave and holidays.

(d) Premium rates of pay are rates in excess of regular pay rates paid to eligible employees for hours worked in excess of regularly scheduled hours in a work period. Premium rates shall vary from straight time to time-and-one-half and shall be determined in accordance with an annually established maximum pay rate for payment of overtime hours.

(e) Classes in which employees are eligible to receive premium pay for time worked in excess of regularly scheduled work hours on a work period shall be determined annually as part of the adoption of the compensation plan, after considering the Fair Labor Standards Act.

(f) Interpretation of work periods and eligible classes described by the Fair Labor Standards Act rests with the personnel director and the county attorney.

(Ord. No. 81-19, § 4.14, 9-3-81; Ord. No. 88-31, § IV, 9-15-88)

**Sec. 86-115. Garnishment or withholding of wages.**

No writ of attachment or garnishment or other process shall issue from any of the courts to attach or delay the payment of any money or other things due to any person who is the head of a family residing in this state, when the money or other thing is due for the personal labor or services of such person, except that this section shall not apply to payments due for alimony, child support or taxes, where provided by state or federal law.

(Ord. No. 81-19, § 4.15, 9-3-81)

**Sec. 86-116. Payment for accumulated annual leave on separation from employment.**

Separating employees shall be paid for all accumulated annual leave to their credit at their current rate of pay as of the effective date of separation. Payment for accumulated annual leave for deceased employees shall be made as provided in section 86-117.

(Ord. No. 81-19, § 4.16, 9-3-81)

**Sec. 86-117. Wages due deceased employee.**

The county, in the case of a death of an employee, shall pay to the named beneficiary, if living; or, if no beneficiary is named or the beneficiary is deceased, then shall pay to the present wife or husband; and, in case there is no present wife or husband, then the child or children, provided that when the child or children be under the age of 18 years, the payment shall be made to the child's guardian or as otherwise provided by an order from a court of competent jurisdiction; and, in the event that there is no child or children, then to the father or mother, any wages, terminal leave, traveling expense reimbursement or other monies which may be due the employee at the time of his death.

(Ord. No. 81-19, § 4.17, 9-3-81)

**Secs. 86-118--86-140. Reserved.**

DIVISION 4. RECRUITMENT AND APPLICATIONS

**Sec. 86-141. Recruitment policy.**

To ensure high quality of service to the public, recruitment efforts and publicity will be directed to all appropriate sources of applicants in a geographical area as wide as necessary to attract an adequate number of qualified candidates and to ensure open opportunity for the public to apply and be considered for employment on the basis of relative abilities and potential.

(Ord. No. 81-19, § 5.01, 9-3-81)

**Sec. 86-142. Recruitment procedures.**

(a) Advertisements announcing examinations and/or vacant positions shall appear in a newspaper of general circulation published five times weekly in the county, and such other newspapers as the personnel director may deem appropriate, in at least one Sunday edition.

(b) Announcements of examinations and/or vacant positions may be sent to newspapers and radio stations, including those known to reach minority groups, with a request for publicity based on public service. Announcements and vacancy lists may also be furnished to community organizations, including minority groups and women's organizations.

(c) Applicants will be recruited on the basis of the minimum experience and education requirements established in the class specification for the class.

(d) All publicity shall indicate that the county is an equal opportunity employer and gives

credit to certain veterans and others entitled to veterans' preference.

(e) Examination announcements shall be provided as follows:

- (1) Examination announcements, publicizing the holding of examinations to create eligible lists to fill current and/or future vacancies in the competitive division of the merit system, shall be distributed and posted throughout county government offices and in such other public places as to ensure the widest possible exposure.
- (2) Announcements normally will specify the class title and salary range; the minimum qualification requirements for eligibility or for admission to successive portions of the examination, if required; the manner of making application; the closing date for receipt of application; the date, time and place of written, performance or oral examination, if required; and other pertinent information.

(f) When there is an urgent need for eligibles and past experience or knowledge of labor market conditions indicates a probable scarcity of eligibles, applicants may be examined and placed on an eligible list as received, provided that there is good reason to believe that all qualified persons who apply will have an opportunity for consideration of appointment. These procedures shall be known as open continuous examinations. Announcements of open continuous examinations shall be distributed and posted in the same manner as any other examination announcements.

(g) Examinations shall be announced and advertised a minimum of two weeks in advance of the closing date for the receipt of applications. Normally the closing date shall not be more than three weeks from the date of announcement.

(Ord. No. 81-19, § 5.02, 9-3-81)

**Sec. 86-143. Filing of applications.**

(a) All applications for positions or examinations shall be on standard forms prescribed by the personnel director.

(b) All applications shall be signed by the applicants attesting to the truth of all statements contained in or by reference made as a part of the application form.

(c) To receive consideration, applications must be received in the personnel office in DeLand, Florida, or postmarked by the closing date specified on the examination announcement.

(d) Incomplete or defective applications may be returned to the applicants for revisions or additional information. Revisions or additional information must be made and received within time limits fixed by the personnel director.

(e) Applications for open competitive examinations may be filed by any person who meets the requirements as listed on the public announcement of the examination.

(f) Any statement on an application that is found to be false or deliberately misleading may be cause for rejection of the application or termination at a later date.

(Ord. No. 81-19, § 5.03, 9-3-81; Ord. No. 86-14, § I, 9-18-86)

**Sec. 86-144. Rejection of applications or applicants.**

(a) The personnel director may reject any application or applicant when it has been determined that:

- (1) The applicant has made deliberate false or misleading statements and deception in attempting to secure employment.
- (2) The application was not received on or before the closing date established for receiving applications.
- (3) The application was not filed on the prescribed form.
- (4) The applicant does not possess the requirements as specified in the examination announcement or the public announcement of the job vacancy.
- (5) The applicant is physically or mentally unfit to perform the required duties of the class or position for which application was made.
- (6) The applicant was employed previously by the county and was dismissed for cause or resigned in lieu of dismissal.
- (7) The applicant's past record of employment is determined to be unsatisfactory by the personnel director.
- (8) The applicant has a record of conviction of crime.

(b) Whenever an applicant or application is rejected, notice of such rejection shall be mailed to the applicant.

(Ord. No. 81-19, § 5.04, 9-3-81)

**Secs. 86-145--86-180. Reserved.**

DIVISION 5. EXAMINATION PROCEDURES



**Sec. 86-181. Determination of examination devices.**

The personnel director shall determine which examining device or combination of devices will be used to evaluate the relative fitness of applicants.

- (1) The devices selected will relate to the duties and responsibilities of the class for which candidates are being examined, shall be impartial, and shall fairly appraise and determine the merit, fitness, ability and qualifications of candidates to perform in a position in the class.
- (2) A variety of devices may be used, including but not necessarily limited to assessment of training, education and work experience; written, oral or performance tests; tests of physical agility or capability; medical examinations; reference checks and background investigations; and oral interviews, singularly or in any combination. Each device utilized will be administered and scored on a standardized basis to ensure equity.
- (3) Examinations may be assembled or unassembled, shall be practical in nature and shall be constructed to reveal the capacity of the candidates for the particular class for which they are competing, their general background and related knowledge, skills and abilities and any character or personal traits which are job related.

(Ord. No. 81-19, § 6.01, 9-3-81)

**Sec. 86-182. Open competitive examinations.**

Positions in the competitive division of the merit system to be filled from outside the county service shall be filled through a competitive examination process open to the public and based on merit and fitness.

(Ord. No. 81-19, § 6.02, 9-3-81)

**Sec. 86-183. Promotional examinations.**

When the personnel director determines that there are sufficient numbers of qualified potential applicants with the county service to ensure effective competition and an adequate eligible list, an examination may be restricted to eligible employees within the county service.

- (1) When it is determined that there will be a promotional examination, the personnel director shall designate the lower classes in which employees are eligible, the required period of service in such classes and the departments to which the examination will be restricted.
- (2) Promotional examinations shall be open to any employee in the classified service

who meets the eligibility requirements described in subsection (1) of this section and the qualification requirements for the class for which the examination is being given, and who has permanent status.

(Ord. No. 81-19, § 6.03, 9-3-81)

**Sec. 86-184. Open competitive and promotional examinations.**

When there are qualified potential applicants within the county service, but not enough to ensure an adequate eligible list, examinations may be given on both an open-competitive and promotional basis.

(Ord. No. 81-19, § 6.04, 9-3-81)

**Sec. 86-185. Qualifying examinations.**

(a) A qualifying examination shall be conducted when:

- (1) In the absence of a promotional eligible list, an employee transfers from a position in one class to a position in another class in the same pay range for which he has not previously passed an examination;
- (2) The positions of incumbents with more than one but less than three years of service are merged into county government by council action; or
- (3) Necessary to determine qualifications for another classification in a reduction-in-force action.

(b) Persons taking qualifying examinations must attain passing scores based on the most recent administration of the examination, or, if not previously given, based on a predetermined cutoff score.

(Ord. No. 81-19, § 6.05, 9-3-81)

**Sec. 86-186. Medical examination.**

Medical standards shall be established for all positions in the merit system.

- (1) Applicants for positions in the merit system may be required to undergo a medical examination to determine physical and mental fitness to perform the work of the position for which they are being considered for appointment. In lieu of the medical examination, an applicant may be requested to submit a doctor's certificate of good health with the application.

- (2) Determination of physical or mental fitness will be by a physician designated by or acceptable to the personnel director.
- (3) Applicants or eligibles determined to be physically or mentally unfit to perform the duties of the class or particular position shall not be considered for appointment to that class or specified position.

(Ord. No. 81-19, § 6.06, 9-3-81)

**Sec. 86-187. Conduct of examinations.**

(a) When written examinations are used, the examination will be conducted in a place found convenient for applicants and practical for administration.

(b) The personnel director may designate monitors to take charge of the examination under instructions prescribed by the director.

(c) The personnel director may conduct special examinations at times and places apart from the regular examination when it is deemed expedient.

(d) When practical, the identity of persons taking competitive assembled tests shall be concealed from the examiners by the use of identification numbers.

(e) Any examination may be postponed or canceled at the discretion of the personnel director. Applicants shall be notified of the postponement or cancellation.

(Ord. No. 81-19, § 6.07, 9-3-81)

**Sec. 86-188. Method of construction and rating of examinations.**

(a) The determination of appropriate written, performance or other tests; the methods of evaluating experience, education and training; and of weights to be assigned to various parts of the examination shall be matters of cooperation between the personnel director and appointing authorities, so that the examination represents a proper balance between the specialized knowledge of position requirements possessed by departmental personnel and the specialized knowledge of regulatory requirements and testing methods possessed by the personnel division staff.

(b) An examination plan will be prepared describing the specific qualification requirements and alternatives and knowledge, skills and abilities to be measured by each examination procedure selected; the importance of weighing of each part of the examination process; and the methods to be used in evaluating each candidate against the others.

(c) For all examinations the minimum performance or cutoff score shall be established by

the personnel director. If there is more than one part or test in an examination, a minimum performance or cutoff score may also be established for each part or test. Candidates may be required to attain at least minimum performance or the cutoff score on each part or test to receive a passing grade or to be rated on the remaining parts of the examination.

(d) If there is more than one part or test in an examination, a weighting process shall be applied to appropriately allocate importance of the various parts or tests.

(e) Final examination grades shall be expressed on a scale of 100 for maximum possible attainment and 70 for the required passing grade. Veterans' preference points shall be in addition to final earned passing grades.

(f) Final ratings of successful competitors who have attained a score of 69.50 or above shall be rounded off to whole numbers as follows:

0.50 and above, to the next higher rating.

Below 0.50, to the next lower rating.

Examples: 85.50 to 86.0; 85.49 to 85.0.

(g) The personnel director may determine that instead of being given numerical ratings, particularly when oral tests, qualification inquiries or background investigations are used, eligibles will be assigned adjective ratings. Eligibles rated in this manner will be listed in their groups alphabetically. Appointing authorities may select from the certified group without regard to an eligible's standing in his group except in the case of a promotional examination when veterans' preference recipients are in the group.

(Ord. No. 81-19, § 6.08, 9-3-81)

### **Sec. 86-189. Rating of experience and education.**

(a) When rating of experience and education forms a part of or the total examination, the personnel director shall determine a procedure based on merit principles for the evaluation of the educational and experience qualifications of the applicants.

(b) The personnel director may verify an applicant's experience and education. If the investigation brings out information affecting the rating of experience, education or training, the personnel director may rate the candidate accordingly or make the necessary revision of the rating and so notify the candidate.

(Ord. No. 81-19, § 6.09, 9-3-81)

### **Sec. 86-190. Veterans' preference.**

(a) *Generally.* Preference points in both open competitive and promotional examinations shall be granted as provided by state statutes to qualified persons who have served on active duty with the armed forces of the United States and who were discharged or released therefrom under honorable conditions only, or who later received an upgraded discharge under honorable conditions, or who are otherwise eligible, and who have achieved a final earned passing score on the examination. Preference points shall be added to the final earned passing score. The names of persons granted preference points shall be entered on the eligible list in accordance with their augmented ratings.

(b) *Promotional examinations.* Preference points on promotional examinations shall be granted only until such time as the veteran or other eligible person has received his first promotion.

(Ord. No. 81-19, § 6.10, 9-3-81)

**State law reference(s)--**Veterans' preference, F.S. § 295.08.

**Sec. 86-191. Notification of examination results.**

Each person who takes an examination shall be given written notice as to whether he qualified on such examination. Eligibles shall be advised of their score and relative position on the eligible list. In consideration of the many factors that may change an eligible's relative standing from time to time, eligibles will not be readvised of their relative standing except in response to specific inquiry, the reply to which will indicate the standing as of that point in time.

(Ord. No. 81-19, § 6.11, 9-3-81)

**Sec. 86-192. Inspection of examination results.**

Each person taking an examination shall be entitled to one inspection of his rating and examination papers during a period of 30 days following the notification of examination results. Inspections shall be permitted only during regular business hours at the office of the personnel division. Examination papers shall not be open to the general public.

(Ord. No. 81-19, § 6.12, 9-3-81)

**Sec. 86-193. Adjustment of errors.**

If a manifest error in the rating of an examination is called to the attention of the personnel director within 30 calendar days after notification of the examination results, such error shall be corrected. Such correction shall not invalidate any appointment previously made from the eligible list.

(Ord. No. 81-19, § 6.13, 9-3-81)

**Sec. 86-194. Confidentiality of examination materials.**

All examinations and test materials shall be regarded as privileged and confidential information and not available for public inspection.

(Ord. No. 81-19, § 6.14, 9-3-81)

**Sec. 86-195. Appeals.**

Persons who believe that their applications have been erroneously rejected or who believe that their examinations have been incorrectly rated shall present their appeal to the personnel director for consideration. If not satisfied with the personnel director's decision, employees may appeal to the personnel board as provided in division 14 of this article.

(Ord. No. 81-19, § 6.15, 9-3-81)

**Secs. 86-196--86-220. Reserved.**

DIVISION 6. ELIGIBLE LISTS

**Sec. 86-221. Establishment.**

The personnel director shall establish and maintain eligible lists for various classes of positions as may be necessary to meet the needs of the classified service. Open competitive and promotional eligible lists shall contain the names of those persons who have successfully qualified in the examinations ranked in descending order according to final earned score plus veterans' preference points or in accordance with the adjective rating system provided for in division 5 of this article. Eligibles with the same score shall be considered to have the same rank on the eligible list.

(Ord. No. 81-19, § 7.01, 9-3-81)

**Sec. 86-222. Use.**

Vacancies in the competitive division of the classified service shall be filled from eligible lists established through the competitive examination process unless the personnel director determines that the vacancy may be filled by transfer, demotion, reemployment, reinstatement or, in the absence of an eligible list, provisional or temporary appointment.

(Ord. No. 81-19, § 7.02, 9-3-81)

**Sec. 86-223. Duration.**

The duration of each eligible list and the names appearing thereon shall be for 12 months. The personnel director may extend an eligible list in six-month increments when he deems it in the best interests of county service to continue the list. No list shall be extended to a time more than two years from the date of the original establishment of the list.

(Ord. No. 81-19, § 7.03, 9-3-81)

**Sec. 86-224. Replenishment of list by new examination.**

(a) If the personnel director determines that an eligible list, although not exhausted, is inadequate for the filling of anticipated vacancies during the normal life of the list, he may announce a new examination for the purpose of replenishing such a list.

(b) At the time of the announcement of such examination, all eligibles remaining on the eligible list shall be notified and advised that they may take the examination, if they so desire, for the purpose of possibly improving their relative score and standing and extending the time their name will be on the list and that the taking of the examination shall in no way jeopardize their original score.

(c) The initial scores of the original remaining eligibles shall expire 12 months from the time they were placed on the list.

(Ord. No. 81-19, § 7.04, 9-3-81)

**Sec. 86-225. Open continuous examination eligible lists.**

When an open continuous examination is utilized, applicants receiving a passing score shall have their names inserted on the eligible list as indicated by the score in relation to other scores on the list. Names shall remain on the eligible list for a maximum of one year.

(Ord. No. 81-19, § 7.05, 9-3-81)

**Sec. 86-226. Abolition or supersession of lists.**

The personnel director may abolish and/or supersede an eligible list before its normal expiration date when he determines that continuation of the list would result in an untenable situation in the county service. A full statement of the reasons for such abolition or supersession shall be entered in the records of the personnel division.

(Ord. No. 81-19, § 7.06, 9-3-81)

**Sec. 86-227. Availability of eligibles.**

(a) An eligible may be required to indicate in writing the conditions under which he will be available for employment before his name is placed on the eligible list.

(b) Whenever an eligible restricts the conditions under which he will be available for employment, his name may be withheld from certification to positions which do not meet the conditions which he has specified.

(c) Whenever an eligible notifies the personnel office in writing of unavailability for employment or employment consideration, the personnel director may remove the name of the eligible from the eligible list.

(d) It shall be the responsibility of eligibles to notify the personnel office in writing of any change of address, telephone number or other change affecting availability for employment.

(Ord. No. 81-19, § 7.07, 9-3-81)

**Sec. 86-228. Kinds of eligible lists.**

The kinds of eligible lists are as follows:

- (1) *Open competitive (OC) eligible list.* An eligible list resulting from an open competitive examination which contains names ranked from highest score to lowest score, including veterans' preference points.
- (2) *Promotional (PXC) eligible list, countywide.* An eligible list resulting from a promotional examination open to any county employee eligible to compete on a promotional basis which contains names ranked from highest score to lowest score, including veterans' preference points.
- (3) *Promotional (PXD) eligible list, departmental.* The same as the list described in subsection (2) of this section, but restricted only to employees within a department.
- (4) *Reemployment list (layoff list).* A list containing the names of employees with status in a classification who have been demoted or laid off as a result of a reduction in force, reorganization or abolition of their positions. Names shall be ranked according to time in grade in the class and any higher level class and shall remain on the list for a period of three years from the date of demotion or layoff.
- (5) *Reinstatement list.* A list containing the names of previous employees with status in a classification who have resigned in good standing and who, within two years of their resignation, have made a written request for reinstatement consideration. Such names shall remain on the list up to two years from the date of resignation. All names on the list shall have the same rank.



(Ord. No. 81-19, § 7.08, 9-3-81)

**Sec. 86-229. Order of precedence.**

Eligible lists, when in existence, for any class shall have the following order of precedence:

- (1) Reemployment list.
- (2) Promotional eligible list, departmental.
- (3) Promotional eligible list, countywide.
- (4) Reinstatement list (optional).
- (5) Open competitive eligible list.

(Ord. No. 81-19, § 7.09, 9-3-81)

**Sec. 86-230. Causes of removal of names from lists.**

The personnel director may at any time remove the name of an eligible from a list for any of the following reasons:

- (1) Refusal of an offer of appointment under conditions previously listed by the eligible as acceptable.
- (2) Filing of a statement by the eligible that he is not willing to accept appointment. Such statement may be restricted to a limited period of time, or to geographic locations, or positions involving other conditions of employment, as specified. The name of the eligible shall be treated as not available and shall be passed over when certifications are prepared for positions not meeting the conditions specified as though such name did not appear on the list. Any eligible may change his eligibility by filing a new statement as to the time, place or other conditions under which appointment will be accepted.
- (3) Failure to respond, within the time specified in the notice, to any inquiry of the personnel director or appointing authority if satisfactory evidence is not furnished justifying such failure to respond.
- (4) Notice by postal authorities of their inability to locate the eligible at the last known address.
- (5) Failure to report for work after acceptance of appointment.

- (6) Appointment through certification from such list to fill a permanent position.
- (7) Appointment through certification from the eligible list to another class at the same or higher pay range. In such case, at the request of the appointee, his name may be continued on any or all lists other than the one from which the appointment was made, for the remainder of the period of eligibility on such lists.
- (8) In the case of promotional lists, upon separation other than layoff from the county service.
- (9) In any case where the personnel director finds that an eligible is or has become disqualified for the class for which he is listed.
- (10) Death of an eligible.
- (11) Whenever an appointing authority submits reasons acceptable to the personnel director to indicate that the eligible is personally unfit for employment in a class or in the county service.
- (12) When found by medical examination to be physically or mentally unfit for service in a class.

(Ord. No. 81-19, § 7.10, 9-3-81)

**Sec. 86-231. Notification of removal from list.**

Whenever an eligible's name is removed from an eligible list, the personnel director shall notify the eligible of such action, the reasons therefor and the right of the eligible to appeal. An eligible's name shall be restored to the eligible list upon presentation of reasons satisfactory to the personnel director.

(Ord. No. 81-19, § 7.11, 9-3-81)

**Sec. 86-232. Transfer of names on departmental promotional eligible lists.**

Whenever an employee transfers from one department to another, his name shall be transferred from any departmental promotional eligible list in his former department to a departmental promotional eligible list in his new department.

(Ord. No. 81-19, § 7.12, 9-3-81)

**Secs. 86-233--86-260. Reserved.**

DIVISION 7. CERTIFICATION OF ELIGIBLES

**Sec. 86-261. Procedure for filling vacancies.**

(a) All vacancies in the classified service shall be filled by original appointment, promotional appointment, provisional appointment, reemployment, reinstatement, transfer, demotion, temporary appointment, transient appointment or emergency appointment.

(b) Whenever a vacancy is to be filled, the appointing authority shall send a requisition to the personnel director for eligibles for appointment to the class in which the vacancy exists. Requisitions shall be made on forms provided by the personnel director.

(c) Upon receipt of a requisition, the personnel director shall certify the proper number of names from the appropriate eligible lists or authorize other appointment as may be deemed necessary and proper. The appointing authority shall select from the names certified or as otherwise authorized under the conditions and terms specified in this article.

(d) Reclassification or underslotting of a position shall not occur solely for the purpose of avoiding the use of a current eligible list.

(Ord. No. 81-19, § 8.01, 9-3-81)

**Sec. 86-262. Order of lists for certification.**

Certification shall be made from existing lists in the order of their precedence as follows:

- (1) Reemployment list.
- (2) Promotional eligible list, departmental.
- (3) Promotional eligible list, countywide.
- (4) Reinstatement list (optional).
- (5) Open competitive eligible list.
- (6) ``Appropriate" lists.

(Ord. No. 81-19, § 8.02, 9-3-81)

**Sec. 86-263. Certifications from lists.**

Upon receipt of a requisition, the personnel director shall certify the proper number of names from the appropriate eligible list:

- (1) If a reemployment list exists for the class, the "Rule of One" shall apply, and the first name on the list only shall be certified to the appointing authority for appointment.
- (2) In the absence of a reemployment list, the "Rule of Five Scores" shall apply except for the reinstatement list. The "Rule of Five Scores" provides that the names of all eligibles with the five highest scores, including all ties, shall be certified for consideration in filing a vacancy. If more than one vacancy is involved, sufficient additional names beyond the fifth score will be certified, if necessary, to allow the department at least four more names beyond the number of vacancies. No additional names will be certified unless the number of names falls below the number of vacancies plus four names. If an eligible has more than one score on an eligible list, only the highest score shall be included on a certification of names for consideration in filling a vacancy.
- (3) If a reinstatement list is used, all names on the list shall be available for consideration for appointment.
- (4) In the event there may be fewer than five scores on a promotional list, the personnel director may augment those scores by a sufficient number of scores from the next lower existing eligible list in order of precedence to make a complete certification.
- (5) For lists on which eligibles are entered with adjective ratings, the personnel director shall certify all eligibles having the same adjective rating.

(Ord. No. 81-19, § 8.03, 9-3-81)

**Sec. 86-264. Selective certification.**

(a) An appointing authority may specify certain unique qualifications relating to a specific position which must be possessed by an appointee in order to properly perform the duties of the position. The personnel director may certify from the proper eligible list only those persons having such qualifications if it is deemed that satisfactory evidence has been submitted to demonstrate that the requirements of the position to be filled warrants such certification.

(b) The personnel director shall disapprove requests for selective certification that in his judgment are made for the purpose of reaching a certain eligible or for the purpose of otherwise circumventing the spirit and intent of this article.

(Ord. No. 81-19, § 8.04, 9-3-81)

**Sec. 86-265. Appropriate alternate eligible lists.**

Certification shall ordinarily be made from a list established for the particular class in which the vacancy exists. If no such list exists or the list contains an insufficient number of eligibles for certification purposes, the personnel director may certify names from an appropriate alternate eligible list. Such a list shall be for a class of the same or higher pay level with qualification requirements substantially equivalent or superior to the class in which the vacancy exists.

(Ord. No. 81-19, § 8.05, 9-3-81)

**Sec. 86-266. Duration of certification.**

The life of a certification of names during which action may be validly taken by an appointing authority shall be 21 calendar days from the date of issue, unless otherwise specified on the certification, or the certification is extended by the personnel director. Any appointment made from such a certification during that time shall not be subject to any change in the condition of the eligible list taking place during that period.

(Ord. No. 81-19, § 8.06, 9-3-81)

**Sec. 86-267. Incomplete certification.**

When the number of names, irrespective of the number of scores available from an eligible list for filling any vacancy, is fewer than five, an appointing authority may make an appointment from the available names, or may decline certification for that vacancy and request that a new list be established and, in the interim, that he be authorized to fill the position in any other manner provided by this article.

(Ord. No. 81-19, § 8.07, 9-3-81)

**Sec. 86-268. Consideration of eligibles on certification.**

(a) In making appointment from an eligible list other than a reemployment list, the appointing authority may choose a person whose name is included among the five scores highest on the eligible list. Normally, all persons who have achieved the five highest scores will be interviewed.

(b) When considering eligibles, an appointing authority may exclude those persons:

- (1) Who decline appointment or request that they not be considered for appointment.
- (2) Who fail to reply within a period of five calendar days to a written inquiry of availability and interest, or to a written request to call or appear for an interview, or who cannot be contacted by mail or telephone in a reasonable period of time.

- (3) To whom the appointing authority offers an objection in writing setting forth objective and substantive reasons acceptable to the personnel director as to why the candidate is personally unfit to perform the duties of the position.

(Ord. No. 81-19, § 8.08, 9-3-81)

**Sec. 86-269. Veterans appearing on promotional eligible list.**

When the name of a person with veterans' preference appears among the highest five scores on a certification from a promotional eligible list, such person shall be promoted ahead of all those who appear with an equal or lesser score on the certification unless excluded as provided in section 86-268.

(Ord. No. 81-19, § 8.09, 9-3-81)

**Sec. 86-270. Waiver of certification.**

Eligibles may waive certification to specific positions or departments by submitting satisfactory reasons in writing. Such waivers must be submitted within five calendar days of inquiry of availability or interest, or contact for an interview.

(Ord. No. 81-19, § 8.10, 9-3-81)

**Secs. 86-271--86-290. Reserved.**

DIVISION 8. APPOINTMENTS

**Sec. 86-291. Appointments to be made only to authorized positions.**

No appointments shall be made except to positions specifically and duly authorized by proper authority and established and classified by the personnel director.

(Ord. No. 81-19, § 9.01, 9-3-81)

**Sec. 86-292. Types of appointments.**

Appointments in the county service may be of the following types: permanent, temporary, provisional, part-time, intermittent, seasonal, limited-term, transient, emergency, noncompetitive, unclassified, trainee or, in certain cases, combinations of such types.

(Ord. No. 81-19, § 9.02, 9-3-81; Ord. No. 88-31, § VI, 9-15-88)

**Sec. 86-293. Permanent appointments.**

(a) Permanent appointments are made from a reemployment list, a reinstatement list or an eligible list, or by promotion, demotion or transfer to a permanent position. A permanent appointee is fully eligible for all merit system benefits and other fringe benefits except certain for benefits when the initial probationary period is being served.

(b) Permanent appointments are without specified duration and remain in effect until the appointee voluntarily separates or is involuntarily separated, or the position is abolished.

(Ord. No. 81-19, § 9.03, 9-3-81)

**Sec. 86-294. Temporary appointments.**

(a) Temporary appointments, not to exceed six months in duration, may be made to either permanent or temporary positions.

- (1) Appointment shall be made from qualified persons on eligible lists who have indicated their willingness to accept temporary employment.
- (2) Acceptance of a temporary appointment by a person on an eligible list shall not affect their standing on the list for permanent appointment.
- (3) If no list exists or if certification from a list is not possible because of nonavailability of eligibles for temporary work, the personnel director may authorize the appointing authority to hire on a provisional basis.
- (4) Any prospective appointee not on an eligible list must be approved by the personnel director as meeting the minimum qualifications for the position.
- (5) Temporary appointment may be extended beyond six months only when made to a permanent position. In such cases the appointee, if certified from an eligible list, may gain status. Such extensions must be approved by the personnel director.

(b) A person appointed on a temporary basis shall not be eligible for the rights, privileges and benefits conferred through this article to other employees, except as otherwise specified.

(Ord. No. 81-19, § 9.04, 9-3-81)

**Sec. 86-295. Provisional appointments.**

In the absence of an eligible list, the personnel director may authorize a position to be filled by provisional appointment. A provisional appointee must meet the minimum qualifications set forth in the class specification and may serve in the position only until an examination is given and a list of eligibles certified to fill the position on a permanent basis.

(Ord. No. 81-19, § 9.05, 9-3-81)

**Sec. 86-296. Part-time appointments.**

(a) An appointment of a person on less than a full-time basis may be made to either an authorized full-time or part-time position. Scheduled work hours for a person appointed on a part-time basis shall not be less than 20 hours and not more than 60 hours per biweekly pay period. A part-time appointment may be permanent or temporary, but scheduled hours shall be continuous each pay period for the duration of the appointment. Scheduled hours may vary during a pay period.

- (1) Appointment shall be made from qualified persons on eligible lists who have indicated their willingness to accept part-time employment.
- (2) Acceptance of a part-time appointment by a person on an eligible list shall not affect their standing on the list for other appointment.
- (3) If no list exists or if certification from a list is not possible because of nonavailability of eligibles for part-time work, the personnel director may authorize a provisional part-time appointment.

(b) A person appointed on a part-time basis shall have all the rights and privileges conferred through this article to full-time employees, except as otherwise specified, but in situations where length of service or passage of time is a factor shall, except as otherwise specified, have their service or time credited on a pro rata basis in relation to their work schedule.

(Ord. No. 81-19, § 9.06, 9-3-81)

**Sec. 86-297. Intermittent appointments.**

(a) An appointment of a person on a noncontinuous, intermittent basis may be made to an authorized position.

(b) A person appointed on an intermittent basis will be on a nonscheduled basis and shall be called in for work intermittently as peak workloads, absences or emergency situations dictate. Persons appointed on an intermittent basis must be approved by the personnel director as meeting the minimum qualifications for the class.

(Ord. No. 81-19, § 9.07, 9-3-81)

**Sec. 86-298. Seasonal appointments.**

Authorized positions may be filled on a seasonal basis. A person appointed on a seasonal basis is placed in active employee status during the seasonal activity for which employed and is



then placed in inactive status until the next seasonal period.

- (1) Appointments shall be made from qualified persons on eligible lists. In the absence of such a list, the personnel director may authorize a provisional appointment.
- (2) Persons appointed from an eligible list shall gain permanent status when they have accumulated six months of service credit and have been approved as satisfactorily completing their probationary period.

(Ord. No. 81-19, § 9.08, 9-3-81)

**Sec. 86-299. Transient appointments.**

(a) Authorized positions may be filled for a period up to 90 days by transient appointment of persons for the purpose of performing casual or project type employment for which no particular skill or other qualification is required.

(b) Persons may be appointed on a transient basis without regard to other provisions of this article relating to examination and certification.

(Ord. No. 81-19, § 9.09, 9-3-81)

**Sec. 86-300. Limited-term appointments.**

(a) Whenever a position to be filled has a specific time limit as to its duration of two years or less, that position shall be filled on a limited-term basis.

(b) The fact that funding of a position is on a year-to-year basis or comes from a federal grant shall not be the determinant of a limited-term appointment. There must be a specifically designated time when the position will cease to exist as the characteristic and major determinant of whether an appointment is to be limited term.

(c) Appointment shall be made from qualified persons on eligible lists.

(d) In the event of a lack of persons on the eligible list willing to accept such an appointment, or in the absence of an eligible list, the personnel director may authorize a provisional appointment.

(e) Employees holding limited-term appointments shall have the same rights and privileges as other employees with similar status under this article, except they shall have no status for layoff purposes outside of their divisional organizational unit.

(Ord. No. 81-19, § 9.10, 9-3-81)

**Sec. 86-301. Emergency appointments.**

In the event of an emergency, the county manager may appoint or authorize appointment of any person in order to prevent stoppage of public business, or loss of serious inconvenience to the public. Any such person shall be employed only during the period of such emergency, but in no event for a period exceeding 30 calendar days. A vacancy of which an appointing authority has had reasonable notice, or an employment condition of which he had or might with due diligence have had previous knowledge, shall not be considered an emergency under this section.

(Ord. No. 81-19, § 9.11, 9-3-81)

**Sec. 86-302. Noncompetitive appointments.**

Appointments to certain positions in the unskilled labor classes may be made on a noncompetitive basis at the discretion of the personnel director.

- (1) Appointment shall be made from eligible lists established by the personnel director from applications received after review of such applications to determine that the applicant possesses minimum qualifications for the class and after the applicant has passed such tests as may be deemed necessary.
- (2) Qualified applicants shall be placed on the eligible list with a score of 70.0, except that veterans' preference points shall be in addition to the 70.0 score.

(Ord. No. 81-19, § 9.12, 9-3-81)

**Sec. 86-303. Unclassified appointments.**

Appointments to unclassified positions shall be made on a noncompetitive basis.

- (1) Appointment shall be made only from applicants determined by the personnel director to meet the minimum qualifications for the class.
- (2) Appointments to department director and division director positions shall be made by the county manager subject to confirmation by the county council, and shall be at the pleasure of the county manager.

(Ord. No. 81-19, § 9.13, 9-3-81)

**Sec. 86-304. Trainee appointments.**

In the absence of qualified applicants available for appointment or when the appointing authority wishes to provide for upward mobility, the personnel director may authorize a position to be filled by trainee appointment. A trainee appointment is not required to fully meet the

minimum training and experience qualifications as set forth in the class specification. A suitable and identifiable training schedule established by the appointing authority shall be approved by the personnel director prior to appointment. When more than one internal applicant desires appointment to a trainee position, selection shall be through competitive procedures. External applicants may be appointed to trainee positions only through competitive procedures and only if there are no internal applicants within the department desiring appointment.

(Ord. No. 81-19, § 9.14, 9-3-81; Ord. No. 88-31, § VII, 9-15-88)

**Secs. 86-305--86-330. Reserved.**

**DIVISION 9. PROBATIONARY PERIOD**

**Sec. 86-331. Policy and objectives.**

(a) All appointments to positions in the classified service exceeding six months shall be subject to satisfactory completion of a probationary period. This is applicable not only to the first appointment but also to any subsequent appointment, except in the cases of reemployment and reallocations with status and certain reinstatements.

(b) The probationary period shall be regarded as an integral part of the selection process and shall be utilized for closely observing the employee's work for securing the most effective adjustment of a new or promoted employee to the position; and for separating, demoting or reclassifying any employee whose performance or conduct is not satisfactory.

(Ord. No. 81-19, § 10.01, 9-3-81)

**Sec. 86-332. Duration.**

The probationary period for original entrance appointments and promotional appointments shall be six months in duration, except designated personnel of the department of public safety, correctional officer trainee, firefighter I and II and beach ranger, for whom the probationary period shall be one year.

(Ord. No. 81-19, § 10.02, 9-3-81; Ord. No. 88-31, § VIII, 9-15-88)

**Sec. 86-333. Promotions.**

(a) The probationary period shall be used in connection with promotional appointments in the same manner as it is used for original entrance appointments.

(b) If an employee fails to perform satisfactorily during the probationary period following a promotion and he was promoted:

- (1) From a position under the same appointing authority, he shall be entitled to return to a position in his former classification at his previous rate of pay.
- (2) From a position in another department, every effort will be made to place the employee in a position similar to that held prior to promotion.

(Ord. No. 81-19, § 10.03, 9-3-81)

**Sec. 86-334. Probationary period reports.**

(a) Throughout the probationary period, the employee's supervisor will observe the employee's performance and will discuss any strengths and weaknesses in performance with the employee.

(b) At least 20 days prior to the expiration date of an employee's probationary period, the supervisor shall complete an evaluation report of the employee's performance and discuss the report with the employee. The evaluation report will state in writing whether or not the employee has performed satisfactorily during the probationary period.

(c) The evaluation report shall be sent to the service group director prior to the expiration date of the employee's probationary period indicating that:

- (1) The employee's performance is satisfactory and he should be retained in the position;
- (2) The employee's conduct or performance is unsatisfactory and that his removal is proposed as of a specific date prior to the end of the probationary period. This action should be coordinated with the personnel services group a minimum of 30 days prior to the end of probation; or
- (3) An extension of the probationary period is desired for additional observation.

(d) Failure to send the evaluation report prior to the expiration date of the probationary period will automatically grant the employee satisfactory completion of the probationary period.

(Ord. No. 81-19, § 10.04, 9-3-81; Ord. No. 95-48, § II, 12-21-95)

**Sec. 86-335. Extension of probationary period.**

(a) If an appointing authority believes additional time is required to evaluate an employee due to extenuating circumstances which did not allow the employee to be fully evaluated during the normal probationary period, 30 days prior to the end of probation (s)he may request an extension of the probationary period setting forth in writing the circumstances necessitating the extension.

(b) The personnel director may grant an extension up to but not to exceed three months if he determines there are valid reasons for such extension.

(Ord. No. 81-19, § 10.05, 9-3-81; Ord. No. 95-48, § III, 12-21-95)

**Sec. 86-336. Completion of probationary period.**

Upon satisfactory completion of the probationary period, employees gain regular status.

(Ord. No. 81-19, § 10.06, 9-3-81; Ord. No. 88-31, § IX, 9-15-88)

**Sec. 86-337. Removal during probationary period.**

An appointing authority may remove an employee during the probationary period if observation and evaluation have indicated that the employee is unwilling or unable to satisfactorily perform the duties of the position, or that the employee's habits or lack of dependability do not merit continuance in the position. This action should be coordinated with the personnel services group a minimum of 30 days prior to the expiration of the probationary period.

(Ord. No. 81-19, § 10.07, 9-3-81; Ord. No. 95-48, § IV, 12-21-95)

**Sec. 86-338. Demotion or transfer during probationary period.**

(a) An employee transferred or demoted to another position with similar or lesser qualifications in the same department shall not be required to begin a new probationary period.

(b) An employee transferred, or transferred and demoted to another position with similar or lesser qualifications in a different department, shall begin a new probationary period.

(c) An employee transferred or demoted to another position with substantially different qualifications shall begin a new probationary period unless the employee already has status in that classification or a higher classification in the same series.

(Ord. No. 81-19, § 10.08, 9-3-81)

**Sec. 86-339. Appeals during probationary period.**

Consideration of appeals from employees during the probationary period shall be limited to the following:

- (1) *Original entrance probationary period.* Employees may appeal only actions which are alleged to be illegal discrimination or which are based on factually incorrect information.
- (2) *Promotional probationary period.* Employees who have previously satisfactorily completed a probationary period may appeal any adverse action not based on inability to perform in the position.
- (3) *Replacement of removed employee on eligible list.* If an employee is removed from a position during or at the end of the probationary period under conditions which the personnel director determines are unique to that position and/or set of circumstances, and do not render the employee permanently unsuitable for future employment in the class, the employee's name may be restored to the eligible list from which it was certified.

(Ord. No. 81-19, § 10.09, 9-3-81)

**Secs. 86-340--86-360. Reserved.**

#### DIVISION 10. PROMOTIONS, DEMOTIONS AND TRANSFERS

**Sec. 86-361. Policy regarding filling of vacancies.**

Vacancies in positions above the entry level in the classified service shall be filled as far as practical by qualified and interested employees within the county service, except when it is determined to be in the best interest of the county service to fill the position with candidates recruited from outside the county service.

(Ord. No. 81-19, § 11.01, 9-3-81)

**Sec. 86-362. Promotion policy.**

County employees are encouraged to develop new skills, expand knowledge of their work, assume greater responsibilities, make known their qualifications for promotion to more difficult and responsible positions, and compete in all examinations for which they are qualified.

(Ord. No. 81-19, § 11.02, 9-3-81)

**Sec. 86-363. Method of promotion.**

An employee may be eligible to be promoted if he meets the qualifications for a position in a classification in a higher pay range and further qualifies as follows:

- (1) *Employees on promotional eligible list.* If either or both a departmental or countywide promotional eligible list exists, the employee may be promoted if his score is among the five highest on the list taking precedence. (See section 86-268.)
- (2) *Reallocation of employees with status.* In the absence of a departmental or countywide promotional eligible list, an employee with status whose position is reallocated to a classification with a higher pay range may be promoted with status in the higher level classification, if the reallocation to a higher level is:
  - a. In a trainee class series; or
  - b. A result of a gradual evolution of the duties and responsibilities of the position.
- (3) *Provisional promotion of employees with status.* In the absence of a departmental or countywide promotional eligible list, an employee with status in a lower level classification may be promoted on a provisional basis. Such an employee must compete in the next promotional examination for the class and place among the top five scores to be considered for permanent appointment.
- (4) *Employees on open competitive eligible list.* In the absence of a departmental or countywide promotional eligible list, an employee within certifiable range on an open competitive eligible list for the classification may be appointed.
- (5) *Provisional appointment of nonstatus employees.* In the absence of an eligible list, a nonstatus employee may be appointed on a provisional basis. Such an employee must compete in the next open competitive examination for the class and place among the top five scores to be considered for permanent appointment.

(Ord. No. 81-19, § 11.03, 9-3-81)

**Sec. 86-364. Demotions generally.**

An employee may be demoted to a position in a lower pay grade for which he is qualified whenever:

- (1) The position held by the employee is abolished.
- (2) The employee is displaced or "bumped" from a position by another employee with more employment preference.

- (3) The position held by the employee is reclassified to a lower grade.
- (4) The employee voluntarily requests a lower classification.
- (5) The employee does not render satisfactory service in the position held.

(Ord. No. 81-19, § 11.04, 9-3-81)

**Sec. 86-365. Demotion due to abolishment of position.**

(a) When the position held by an employee is abolished and the employee has less employment preference than any other employee in the same class, or in another class at the same level for which he is qualified, in the same department, the employee shall be demoted to a lower level class for which he is qualified and in which he has greater employment preference than another employee.

(b) When demotion occurs as a result of abolition of the employee's position, the employee's pay shall remain at the same rate in the lower pay grade except that no more than the maximum rate for the class may be paid.

(Ord. No. 81-19, § 11.05, 9-3-81)

**Sec. 86-366. Demotion due to displacement by another employee.**

(a) When an employee is displaced by an employee with greater employment preference (or a reemployed veteran), he shall be demoted to a lower level class for which he is qualified and in which he has greater employment preference than another employee.

(b) When demotion occurs as a result of displacement, the employee's pay shall remain at the same rate in the lower pay grade, except that no more than the maximum rate for the class may be paid.

(Ord. No. 81-19, § 11.06, 9-3-81)

**Sec. 86-367. Demotion due to reclassification.**

If reclassification of a position results in its allocation to a lower level and pay range, and the employee cannot be transferred to another position at the higher level, the employee shall be demoted to the lower level position.

(Ord. No. 81-19, § 11.07, 9-3-81)

**Sec. 86-368. Voluntary demotions.**



(a) An employee may be demoted to a position in a class with a lower pay range upon written request subject to the approval of the appointing authority. The personnel director shall determine whether the employee is qualified to perform the duties and responsibilities of the lower class position.

(b) When demotion is voluntary, the employee's pay rate shall be determined by the personnel director, but shall be no higher than the previous pay rate, or the maximum pay rate for the new class, whichever is lower.

(Ord. No. 81-19, § 11.08, 9-3-81)

### **Sec. 86-369. Involuntary demotions.**

(a) When it has been determined that an employee is unable to satisfactorily perform the duties of a position, the appointing authority may demote an employee to a position in a lower class having duties and responsibilities which the employee can successfully perform.

(b) Involuntary demotions shall be made in accordance with the procedures in division 13 of this article.

(c) When demotion is involuntary, the employee's pay rate shall be determined by the personnel director, but shall be no higher than the previous pay rate, or the maximum pay rate for the new class, whichever is lower.

(Ord. No. 81-19, § 11.09, 9-3-81)

### **Sec. 86-370. Transfers.**

(a) A position may be filled by transferring an employee with status from a position in the same class or in a different class in the same pay range involving the performance of similar duties and requiring essentially the same basic qualifications.

(1) *Intradepartmental transfer.*

- a. An appointing authority may transfer an employee from one position to another position in the same class at any time.
- b. Transfer of an employee from a position in one class to a position in another class may be made only between classes in the same pay range, and only in the absence of a reemployment list and departmental promotional list, and provided the personnel director certifies that the employee meets the minimum qualifications for the class.

(2) *Interdepartmental transfer.*

- a. A transfer of an employee from a position in one department to a position in the same class in a different department may be made in the absence of a reemployment list.
- b. A transfer of an employee from a position in one department to a position in a different class in another department may be made in the absence of a reemployment list or a departmental or countywide promotional list.
- c. Such transfers are subject to the approval of the personnel director that the employee meets the minimum qualifications for the class.

(b) The personnel director shall determine whether a probationary period is to be served when an employee transfers from a position in one class to a position in another class.

(Ord. No. 81-19, § 11.10, 9-3-81)

**Secs. 86-371--86-390. Reserved.**

#### DIVISION 11. EMPLOYEE PERFORMANCE EVALUATION

**Sec. 86-391. Policy and purpose.**

Employee performance evaluation and direction are the continuing day-to-day responsibility of supervisors. There is recognition of the need, however, for a formalized performance evaluation system to:

- (1) Assess fairly and accurately an employee's strengths, weaknesses and potential for growth;
- (2) Identify, encourage and guide the employee's development of his special skills and work interests;
- (3) Ensure the granting of merit increases based on progress and productivity;
- (4) Ensure consideration for more complex work and promotion based on merit and fitness;
- (5) Provide a method of improving operational programs through employee input; and
- (6) Identify training needs.

(Ord. No. 81-19, § 12.01, 9-3-81)

**Sec. 86-392. Date and contents of annual evaluation.**

(a) Prior to an employee's anniversary date, the employee's supervisor shall conduct an annual employee performance evaluation. The annual evaluation is a summary of the supervisor's observation of the employee during the preceding year, and a summary of the employee's performance in terms of a variety of job-related factors, and whether the employee is performing in those areas at an acceptable or unacceptable level of competence. The evaluation should also include a plan to develop strengths, identify and improve weak areas, and record the employee's observations of work assignments during the year.

(b) Proper use of the annual employee performance evaluation will serve as a means for identifying work requirements and keeping employees and supervisors informed of them, identifying training needs, helping improve individual performance, recognizing outstanding accomplishments, helping to strengthen employee-supervisor relationships, emphasizing the employee's contribution to the organization's programs, and helping to identify strengths and weaknesses in the programs.

(Ord. No. 81-19, § 12.02, 9-3-81)

**Sec. 86-393. Procedure for annual evaluation.**

At the end of an employee's probationary period and annually thereafter on the employee's anniversary date, or at such other time as may be designated, the supervisor shall complete an employee performance evaluation form reviewing and evaluating the employee job performance, considering any changes that may have occurred in the job or other factors which might affect job performance, and noting strengths and capabilities worthy of special mention, and areas where improvement is needed. The supervisor and employee will then meet to conduct the annual supervisor-employee discussion.

(Ord. No. 81-19, § 12.03, 9-3-81)

**Sec. 86-394. Annual supervisor-employee discussion.**

(a) The supervisor and employee will thoroughly review the employee's current position description and other written assignments to review and clarify job requirements and duties assigned and to note any major changes that have taken place in the employee's job. The supervisor will note major changes which may have an impact on the employee's classification or will require a change to the employee's position description and will submit these changes through the service group director.

(b) The supervisor and employee will then discuss specific job behavior evidenced by the employee during the rating period. The supervisor and employee should also discuss the

employee's career development plans, special work interests, projects or assignments of interest, and particular training interests or needs. The employee's general observations of the department's programs and improving assignments, functions and work procedures should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the supervisor's evaluation.

(c) The employee will certify by signing and dating the employee performance evaluation form that he has received the evaluation, that it has been discussed with him and that he has received a copy of the evaluation form.

(Ord. No. 81-19, § 12.04, 9-3-81; Ord. No. 95-48, § V, 12-21-95)

**Sec. 86-395. Review by department director.**

The department director shall review the written evaluation of each employee in his department, make appropriate comments, and sign the form. Employees shall have the opportunity to review and comment on any department director's comments.

(Ord. No. 81-19, § 12.05, 9-3-81)

**Sec. 86-396. Appeals.**

(a) If any employee disagrees with any statement in an evaluation, he may request a review of the evaluation as provided in the procedures relating to employee performance evaluation, including a review by the department director.

(b) Any employee who is in disagreement with the decision of the department director may review the evaluation with the personnel director.

(Ord. No. 81-19, § 12.06, 9-3-81)

**Sec. 86-397. Interim evaluations.**

A supervisor at any time may prepare an interim employee performance evaluation to record especially outstanding or inadequate performance. Such evaluations shall be handled in every respect the same as an annual evaluation.

(Ord. No. 81-19, § 12.07, 9-3-81)

**Secs. 86-398--86-420. Reserved.**

DIVISION 12. SEPARATIONS

**Sec. 86-421. Types of separation.**

Separations from positions in the county service shall be designated as one of the following types:

- (1) Resignation.
- (2) Involuntary resignation.
- (3) Layoff or reduction in force.
- (4) Disability, nonduty.
- (5) Disability, duty.
- (6) Dismissal.
- (7) Military service.
- (8) Retirement.
- (9) Death.

(Ord. No. 81-19, § 13.01, 9-3-81)

**Sec. 86-422. Resignation.**

Resignation is the separation of an employee by his voluntary act. An employee shall normally give at least 14 days' calendar notice prior to the effective date of resignation.

(Ord. No. 81-19, § 13.02, 9-3-81)

**Sec. 86-423. Involuntary resignation.**

Involuntary resignation is the separation of an employee from the service for reasons other than his voluntary action and other than those specifically listed in section 86-421, under conditions which are without prejudice to the employee.

- (1) *Rejection of probation.* An employee who is separated during the probationary period because of inability to satisfactorily perform the duties of the position shall be separated by involuntary resignation.
- (2) *Absence without leave.* An employee who fails to return from leave of absence or who fails to report to work for three consecutive workdays without authorization

shall be separated by involuntary resignation.

- (3) *Loss of license or other job requirements.* Any employee who is unable to perform his job because of loss of a necessary license or inability to comply with some job requirement, and who cannot be placed in another position or given a leave of absence, shall be separated by involuntary resignation.
- (4) *Disability.* Any employee who is unable to perform his job because of disability and cannot be placed in another position as provided in section 86-425 or 86-426 shall be separated by involuntary resignation.

(Ord. No. 81-19, § 13.03, 9-3-81)

**Sec. 86-424. Layoff or reduction in force.**

(a) *Causes.* Employees may be transferred, demoted or laid off whenever it becomes necessary by reason of:

- (1) Reduction of, elimination of or insufficient funding;
- (2) Elimination or reduction of level of functions or work activities;
- (3) Abolishment of positions by the county council; or
- (4) Appropriately authorized reorganization for purpose of administrative efficiency.

Whenever the transfer, demotion or layoff of one or more employees shall become necessary for one of the reasons listed in this subsection, the appointing authority shall notify the personnel director as far as possible in advance of the effective date of the intended action, including the reasons therefor.

(b) *Order of transfer, demotion or layoff.* When it becomes necessary to reduce the number of employees within a given class in any department or division, transfer, demotion or layoff shall occur in the following sequence:

- (1) Emergency employees.
- (2) Transient employees.
- (3) Temporary employees.
- (4) Provisional employees.
- (5) Probationary employees (appointed from an eligible list, but who have not

completed the probationary period).

(6) Permanent employees.

Employees in each of these categories shall be transferred, demoted or laid off on the basis of length of service for employment preference purposes.

(c) *Employment preference.* Employment preference in a class is an employee's total length of continuous, satisfactory service. For employment preference purposes, all satisfactory service in a higher level (pay range) class counts as service in any lower level (pay range) class. Service in one class may be counted as service in a difference class at the same level (pay range) for which the employee is qualified and is cumulative with all other service at that level.

(d) *Method of transfer, demotion or layoff.* When a reduction in the number of employees in one or more classes in a department or division is necessary, the personnel division shall be immediately notified and shall assist in applying the reduction in force procedure. The following procedure shall be applied:

- (1) *Step 1.* Employment preference of all employees in the highest level class, in all classes at the same level (pay range), and in all lower level (pay range) classes shall be computed.
- (2) *Step 2.* The specific employees to be reduced from the highest level class shall be determined by identifying the number of employees to be reduced from that class with an equal number of employees with the lowest employment preference in the class.
- (3) *Step 3.* Employees identified in step 2 shall be compared with employees in other classes in the department or division at the same level (pay range) to determine whether any may be qualified for other classes, and, if so, whether they may have greater employment preference than an employee in one of those classes. Qualified in this context means that the employee meets the education and experience qualifications set forth in the class specification for the class in question.
- (4) *Step 4.* Those employees to be reduced from a class at a higher level (pay range) determined in steps 2 and/or 3 shall be compared to employees in all classes in the division or department in the next lowest level (pay range) to determine whether they have greater employment preference than an employee in that level (pay range). Employees with lesser employment preference shall be displaced by employees with greater employment preference if the employee with greater preference is qualified to perform in the class.
- (5) *Step 5.* Step 4 shall be followed at all lower levels until the lowest level (pay range) in the department or division has been reached.

- (6) *Step 6.* Employees with the least employment preference as identified in steps 2 through 5 shall be separated by layoff.

(e) *Reemployment list.* A reemployment list shall be established for each class from which employees with status were transferred, demoted or laid off. Employees shall be ranked on such list in order of their employment preference in the class.

(f) *Filling of vacancies.* In applying the reduction in force procedure, any budgeted vacancy which is not being kept vacant due to a shortage of funding shall be filled by the displaced employee with highest employment preference qualified to perform the duties.

(g) *Layoffs or reduction in force to be last resort.* Layoffs or reduction in force should be effected only after all personnel actions aimed at avoiding a layoff have been considered to no avail, e.g., transfers, reassignments, etc. Reduction in force shall not be used as a vehicle for eliminating inadequate or unsatisfactory employees.

(h) *Notification of employee.* Employees to be laid off shall be notified in writing by the appointing authority at least 14 calendar days prior to the effective date of the layoff.

(Ord. No. 81-19, § 13.04, 9-3-81)

**Sec. 86-425. Nonduty disability.**

(a) An appointing authority who has reason to believe that an employee may be physically or mentally impaired to the extent that the employee's job effectiveness is affected, or continuance on the job may be a danger to the employee or others, may request that the personnel director have the employee examined by a physician designated by the county.

(b) If such a disability is discovered, the following action shall be taken:

(1) If the disability is correctable, the employee shall be allowed a reasonable specified time as determined by the personnel director to have it corrected. Such time is to be charged to sick leave and/or annual leave, or, if no sick or annual leave balance exists, an illness leave of absence without pay shall be granted. If the employee fails to take steps to have the disability corrected within this specified time, the employee may be placed on a general leave of absence without pay, or separated by involuntary resignation.

(2) If, in the opinion of the examining physician, the disability cannot be corrected, the appointing authority, with the approval and assistance of the personnel director, shall take the following action:

- a. Attempt to place the employee in a vacant position in the department in which the employee can perform satisfactorily.



- b. If the employee cannot be immediately placed, but is capable of performing in another position, the employee shall be placed on a general leave of absence and placed in the first available vacancy for which he is qualified and able to perform.
- c. If the actions specified in subsections (b)(2)a and b of this section are not feasible, the appointing authority shall separate the employee through retirement or involuntary resignation.

(Ord. No. 81-19, § 13.05, 9-3-81)

**Sec. 86-426. Duty disability.**

(a) When an employee, by reason of a duty-incurred injury, is permanently unable to perform the duties of a position, the appointing authority, with the approval of the personnel director, shall:

- (1) Place the employee in another position in the department at the highest level (pay range) for which the employee is qualified and has more employment preference than an existing employee, and in which the employee is able to perform; or
- (2) If the employee cannot be immediately placed, but is capable of performing in another position, the employee shall be placed on a general leave of absence and placed in the first available vacancy for which he is qualified and able to perform.

If such placement and any subsequent placements are not in a position in the highest level in which the employee is qualified and able to perform, the employee shall be placed in such higher level vacancy when it occurs, irrespective of the existence of any employment list, except a reemployment list, in which case placement shall be in accordance with employment preference.

(b) If the action described in subsection (a)(1) or (2) of this section is not feasible, the appointing authority shall separate the employee through retirement or involuntary resignation.

(Ord. No. 81-19, § 13.06, 9-3-81)

**Sec. 86-427. Dismissal.**

(a) Dismissals are discharges or separations made for just cause, which shall include but not be limited to misconduct, refusal or inability to meet prescribed standards, insubordination, or willful violation of departmental, county or merit system rules and regulations.

(b) A dismissal shall be effective only after the employee has been presented with the reasons for such dismissal in writing specifically and fully stated, and has been allowed a reasonable time to reply thereto in writing. Reasonable time to respond shall be not less than three

calendar days.

(c) Dismissed employees shall be notified by the appointing authority of their right of appeal under this article.

(d) Employees who are dismissed shall be paid for all accrued annual leave.

(Ord. No. 81-19, § 13.07, 9-3-81)

**Sec. 86-428. Military service.**

An employee who leaves the service of the county to join the military forces of the United States (during time of war or other national emergency) shall be separated from his position and placed on military leave in accordance with provisions of division 15 of this article.

(Ord. No. 81-19, § 13.08, 9-3-81)

**Sec. 86-429. Retirement.**

An employee separating in accordance with provisions of the Florida Retirement System shall be deemed to have retired. Employees applying for regular or early retirement must apply no more than six months prior to their expected effective date of retirement.

(Ord. No. 81-19, § 13.09, 9-3-81)

**Sec. 86-430. Death.**

Separation shall be effective as of the date of the employee's death. All compensation due to the employee as of the effective date of separation shall be paid as provided in division 3 of this article.

(Ord. No. 81-19, § 13.10, 9-3-81)

**Secs. 86-431--86-450. Reserved.**

**DIVISION 13. DISCIPLINARY ACTIONS**

**Sec. 86-451. Philosophy.**

(a) An appointing authority is responsible for the proper and efficient operation of his department and for enforcing all policies and regulations. It is the responsibility of all employees

to observe the policies and regulations necessary for the proper operation of the department in which they work.

(b) Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the effective and efficient performance of a department's responsibilities. The purpose of such disciplinary action shall be to effect correction of employee conduct rather than to be solely punitive.

(c) The type and severity of disciplinary action shall be related to the gravity of the offense, the employee's record of disciplinary action, length of service, and actions taken in similar cases both within the department and in other departments. Any adverse action taken must be based on cause supported by sufficient evidence, be consistent with other such actions taken throughout county government, and be fair and equitable.

(Ord. No. 81-19, § 14.01, 9-3-81)

**Sec. 86-452. Authority for disciplinary action.**

Generally, the appointing authority is authorized to apply such disciplinary measures as may be appropriate and necessary. In the cases of reduction in pay, suspensions, demotions and dismissals, the appointing authority shall first consult and gain the concurrence of the legal department and the personnel director before taking final action. This requirement for concurrence is not intended to relieve the appointing authority of responsibility nor to preclude the immediate suspension of an employee when an emergency situation or other circumstances make it impractical to obtain prior concurrence.

(Ord. No. 81-19, § 14.02, 9-3-81)

**Sec. 86-453. Reasons for disciplinary action.**

Any of the following violations may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation. These offenses are illustrative and not all-inclusive.

- (1) Willful neglect in the performance of the duties of the position to which the employee is assigned.
- (2) Disregard for or frequent violations of county ordinances, departmental policies and regulations, including safety rules.
- (3) Willful misuse, misappropriation, negligence or destruction of county property or conversion of county property to personal use or gain.
- (4) Frequent tardiness or absence from duty without prior approval.

- (5) Violation of any reasonable or official order, refusal to carry out lawful and reasonable directions given by a proper supervisor, or other acts of insubordination.
- (6) Habitual use of intoxicating beverages to excess or abuse of narcotics, drugs or other controlled substances so as to interfere with job performance or the efficiency of county service.
- (7) Intoxication or use of alcoholic beverages, or abuse of narcotics, drugs or other controlled substances while on duty.
- (8) Criminal, dishonest or other conduct which interferes with effective job performance or has an adverse effect on the efficiency of county service.
- (9) Violation of privileged information or its use for private gain.
- (10) Incompetent or unsatisfactory performance of duties.
- (11) Conviction of a crime.
- (12) Knowingly giving false statements to supervisors, other officials or the public.
- (13) Any conduct, on or off duty, that reflects unfavorably on the county as an employer.
- (14) Membership in any organization which advocates the overthrow of the government of the United States by force or violence.
- (15) Discovery of a false statement in an application or in any other document used to obtain employment which had not been previously discovered.
- (16) Acceptance of gratuities to the extent prohibited in division 1 of this article.
- (17) Refusal to be examined by a county physician or other designated physician when so directed by proper authority.
- (18) Political activity violation as outlined in section 86-45(b).
- (19) Refusal to sign the loyalty oath.
- (20) Participation in a strike, as defined by the public employees relations commission.
- (21) Any other conduct or action of such seriousness that disciplinary action is considered warranted.

(Ord. No. 81-19, § 14.03, 9-3-81)

**Sec. 86-454. Types of disciplinary action.**

(a) Disciplinary action should only be taken to the extent necessary to correct the problem involved. Ordinarily, disciplinary action will be progressive beginning with the least severe action that may be reasonably expected to be effective.

(b) Types of disciplinary action from least severe to most severe are:

- (1) Oral reprimand.
- (2) Written reprimand.
- (3) Suspension.
- (4) Reduction in pay.
- (5) Demotion.
- (6) Dismissal.

(Ord. No. 81-19, § 14.04, 9-3-81)

**Sec. 86-455. Procedures for disciplinary action.**

(a) *Oral reprimand.*

- (1) Whenever grounds for disciplinary action exist and the supervisor determines that the incident, action or behavior of the employee is such that more severe disciplinary action is not immediately necessary, the supervisor should orally communicate to the employee the supervisor's observation of the problem and offer assistance in correcting the situation.
- (2) When an oral reprimand is given, the supervisor should ensure that the employee's personnel file is documented to show the date of the reprimand and the nature of the reprimand. The employee should be advised that the reprimand will be documented in the personnel file and that he may submit comments for the file.
- (3) Depending on the circumstances or seriousness of the offense, normally no more than three oral reprimands should be given to any employee for the same type of offense, after which a more severe type of disciplinary action should be taken. Whenever possible, however, sufficient time for improvement should be allowed before further and/or more severe action is taken.

(b) *Written reprimand.*

- (1) When the supervisor determines that a written reprimand is appropriate and necessary, the reprimand shall be addressed to the employee and shall include the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, and advice on right of appeal through the grievance procedure.
- (2) A signed copy of the reprimand shall be included in the employee's official personnel file in the personnel office, and the employee shall have the opportunity to submit written comments to be included in the file.

(c) *Suspensions.*

- (1) *Suspension without pay.* An appointing authority, with the concurrence of the legal department and the personnel director, may suspend an employee without pay in the following situations:
  - a. *Investigation.* Whenever the appointing authority has reason to believe that an employee may have committed a serious violation or offense, but sufficient evidence is not yet available to make a proper evaluation and determination of appropriate final action, the appointing authority may suspend an employee for up to seven calendar days pending investigation.
  - b. *Disciplinary action.* When an appointing authority determines that suspension is an appropriate corrective action for a violation, an employee may be suspended for up to 30 calendar days. Ordinarily, an initial suspension for a particular offense will not exceed three to five workdays depending on the seriousness of the offense. A 30-day suspension would normally be imposed only for the most serious and flagrant of offenses, or as the last in a series of progressively more severe suspensions.
  - c. *Employees charged with misdemeanor or felony.* When an employee has been charged with a crime classified as a misdemeanor or felony, the appointing authority shall review the nature of the employee's offense; make a determination of the impact of the crime on the ability of the employee to perform the duties of his position in a satisfactory manner; and, if appropriate, suspend the employee until disposition of the charge or charges.
- (2) *Suspension with pay.* In certain circumstances, the appointing authority may determine that, even though a suspension without pay may not be appropriate, it is

nonetheless necessary to relieve the employee of his duties and remove him from the work site. In such a case, a suspension with pay may be given the employee for up to five workdays.

- (3) *Extension of time by county manager.* The county manager on the recommendation of the personnel board may authorize a disciplinary suspension in excess of 30 calendar days, but in no case shall such suspension exceed 90 calendar days.
- (4) *Notice to employee.* On or before the effective date of the suspension, the supervisor will provide the employee with a written statement setting forth the reasons for the suspension, the effective dates of the suspension and the date the employee should return to work. The statement shall also include the charge, the specific behavior and the dates of the behavior (where appropriate) that support the charge, the warning that continuance of this behavior will result in more severe disciplinary action, an offer of assistance in correcting the behavior, any circumstances affecting the severity of the discipline, the employee's right to respond to the charge within three calendar days, and advice on the right of appeal.
- (5) *Emergency suspension.* If an emergency exists which makes immediate suspension of an employee necessary before concurrence can be obtained, to preserve the health and safety of the employee or others or to continue vital services to the public, or to continue a county function without serious disruption, a supervisor may make such an immediate suspension. Any such emergency suspension must be reported by the appointing authority for concurrence at the earliest possible time.
- (6) *Restoration to active duty.* At the end of the period of suspension, the employee shall be returned to active duty at his previous salary rate unless other disciplinary action affecting the position and/or salary has been taken. If the suspension has been found to be inappropriate or too severe, the employee shall be given back pay for all or part of the suspension period.

(d) *Reduction in pay.* Whenever an appointing authority, having obtained the required concurrences, determines that an employee's performance or conduct is of such nature that it can best be recognized and/or corrected through a reduction of pay within grade, the employee shall be advised in writing of such action, setting forth the reasons for such action, the extent of the reduction and the effective date. The statement shall include the specific deficiencies in performance or conduct; the previous warnings, counseling and attempts to correct which were ineffectual; the employee's right to respond to the intended action within three calendar days; and advice on the right of appeal.

(e) *Demotion.* An appointing authority may determine that demotion of an employee to a position in a lower pay grade is a proper action to correct a situation. In such a case, the appointing authority, after obtaining the required concurrences, shall furnish the employee with a

statement of the reasons for such action and the effective date, at least three days prior to the proposed date of the action. The statement shall fully set forth the reasons for the proposed demotion; previous warnings, counseling and attempts to correct the problem; the employee's opportunity to respond within three calendar days; and notification of the employee's right to appeal.

(f) *Dismissal.*

- (1) An employee may be dismissed when all reasonable attempts at corrective action have been ineffectual, or when the seriousness of and the circumstances surrounding the offense leave dismissal as the only feasible alternative.
- (2) A dismissal shall be effective only after the appointing authority has obtained the concurrence of the legal department and the personnel director, and has presented the employee with the reasons for the dismissal in writing specifically and fully stated, at least three calendar days in advance of the proposed effective date. The employee shall have not less than three calendar days to respond to the charges before the dismissal is effected.
- (3) A dismissed employee shall be notified by the appointing authority of the right to appeal under this article.

(Ord. No. 81-19, § 14.05, 9-3-81)

**Secs. 86-456--86-480. Reserved.**

DIVISION 14. COMPLAINTS, GRIEVANCES AND APPEALS

**Sec. 86-481. Philosophy.**

(a) It is a mutual obligation on the part of administrative, supervisory and nonsupervisory employees of the county to provide efficient and continuous service to the citizens of the county. It is recognized that employee morale is an important factor in maintaining a high level of public service and that the efficient and productive organization is measured in part by the employee's constructive attitude about his organization, and his willingness to work cooperatively with other employees and to work in harmony with his supervisor.

(b) Procedures in this division are established to provide:

- (1) An orderly and expeditious method for resolving problems which may arise from working relationships and conditions;
- (2) Processes by which employees may acquire some degree of satisfaction when they



feel the need for redress;

- (3) An outlet for internal disturbances that might otherwise explode into complete work disruptions; and
- (4) A work environment that will allow the greatest amount of employee proficiency, since improved employee satisfaction and production will result in a better, more economical product submitted to the public.

(c) The primary purpose of these procedures shall be to determine what is right rather than who is right. Free discussion between employee and supervisor will lead to a better understanding by both parties as to policies, practices and procedures which affect all employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a complaint, grievance or appeal. Supervisors and employees alike must recognize the true purpose of these procedures if they are to be of value in promoting the effectiveness of the county government.

(Ord. No. 81-19, § 15.01, 9-3-81)

**Sec. 86-482. Policy.**

(a) Complaints, grievances and appeals constitute channels of communication, informing top management of things concerning which employees feel strongly. It is to the county's advantage to make it as easy as possible to present complaints, grievances and appeals; and employees should be encouraged not only to present their complaints, grievances or appeals, but also to present them while they are still "warm."

(b) Every complaint, grievance and appeal will be received, heard and considered seriously and sympathetically and, to the extent possible, will be utilized to improve mutual understanding and relationships, and to define the problem that lies behind the situation and to consider what constructive steps can be taken to solve it. The basic objective is the achievement of sound and fair settlement of the problem and not the "winning" of cases.

(Ord. No. 81-19, § 15.02, 9-3-81)

**Sec. 86-483. Complaints.**

(a) A complaint is a statement of employee dissatisfaction about some action, exclusive of adverse actions, event or condition in the work environment which is meaningful to the extent that the employee feels it is necessary to make it known to others.

(b) Complaints are always meaningful even though the meaning may not be clear to the supervisor. If unhappy employees cannot find a place to ventilate and/or resolve their frustrations, the result may well be escalation into a grievance. Supervisors, therefore, have a special

responsibility to be available to their employees and sensitive to the problems and frustrations that they may be experiencing, and to help alleviate the cause if possible.

(c) Any complaint should be made verbally, to the immediate supervisor. The complaint shall be dealt with informally, but employees shall be allowed to have a representative, who may be any other employee, for assistance in expressing their complaint. The reply will normally be verbal.

(Ord. No. 81-19, § 15.03, 9-3-81)

### **Sec. 86-484. Grievances.**

(a) *Definition.* A grievance is a complaint that has not been resolved. A grievance is caused in most cases by the inability or unwillingness of individuals to adapt to one or more aspects of the work environment such as working conditions. The failure to adapt can be the fault of the employee or the supervisor or perhaps both.

(b) *Purpose of grievance procedure.* An awareness of the underlying cause of grievances and prompt resolution of these causes is mandatory for effective, harmonious employee relations and effective performance of an organization. A grievance procedure has been established to effect this purpose.

(c) *General provisions; rights of employees.* All county employees have the right to use the grievance procedure without fear of reprisal, restraint, coercion or discrimination. Grievances shall be settled equitably, fairly and promptly.

- (1) Employees may be represented in presentation of a grievance at all levels of the procedure by a person of his choice, who may be any other employee. In the event the grievance advances to the last step, the employee may have any person of his choice represent him.
- (2) An employee and his representative shall be allowed time off from regular duties with pay for attendance at scheduled meetings under the grievance procedure with the specific permission of their respective supervisors. The fellow employee representative may also have up to a maximum of two hours time off with pay for investigation of each grievance.
- (3) If the grievant fails to submit his grievance to the next higher step within the prescribed time limits, it shall be assumed that the grievance has been satisfied.
- (4) Should a decision not be rendered within the prescribed time limits, the grievant may immediately appeal to the next step.

- (5) Nothing in the grievance procedure shall be construed to prevent discussions or meetings to clarify facts in the case or resolve the grievance.
- (6) The personnel office shall act in an advisory capacity only, to either party, in the interpretation of any policy, procedure, rule or regulation that may be involved in the filing of or processing of the grievance.

(d) *Steps of grievance procedure.*

- (1) *Step I.* The employee shall present the grievance to his immediate supervisor, either orally or in writing. The grievance must be presented within ten working days of its occurrence or knowledge of its occurrence, or the date the employee could reasonably be expected to have had knowledge of its occurrence. The supervisor shall promptly meet and discuss the grievance with the employee and his representative, if any, and reply in writing within five working days. If the employee is not satisfied with the reply, he may then proceed to step II.
- (2) *Step II.* If the grievance is not settled in step I, it shall be submitted in writing within ten working days after the receipt of the step I answer to the division director. The division director shall promptly meet and discuss the grievance with the employee and his representative, if any, and answer the employee in writing not later than seven working days after receiving the grievance, unless a longer period is mutually agreed upon. If the employee is not satisfied with the reply, he may then proceed to step III.
- (3) *Step III.* If the grievance is not settled in step II, it shall be submitted in writing within five working days after the receipt of the step II answer to the department director. The department director shall promptly meet and discuss the grievance with the employee and his representative, if any, and, within seven working days after receiving the grievance, unless a longer period is mutually agreed upon, shall render a written decision which shall state the problem, the applicable policy or regulation and the reasons for applying the policy and the decision. Copies of the department director's decision shall be forwarded to the employee, immediate supervisor, division director and the personnel director. If the employee is not satisfied with the reply, he may then proceed to step IV.
- (4) *Step IV.* If the grievance is not settled in step III, it shall be submitted in writing within five working days after the receipt of the step III answer to the county manager. The county manager or his designated representative shall review the grievance and may at his discretion hold a hearing to secure additional testimony that he may believe to be necessary. The county manager, if he deems it appropriate, may ask the personnel board to review the facts of the case and make a recommendation to him. The county manager shall reply to the grievance within ten working days of the receipt of the grievance or five working days after the

recommendation of the personnel board, unless a longer period is mutually agreed upon. The decision of the county manager shall be final, and the employee shall have no further right of administrative appeal within the county governmental structure.

(Ord. No. 81-19, § 15.04, 9-3-81)

**Sec. 86-485. Appeals; personnel board.**

(a) *Philosophy.*

- (1) Because reductions in pay, demotions, suspensions and dismissals are employer actions which have such a serious adverse effect upon the lives of employees, and because such actions are normally not effectively appealable within the regular administrative structure, special channels and procedures must be established to ensure fairness and equity to employees involved in such actions.
- (2) Similarly, because illegal discrimination, classification decisions and examination decisions are most often issues that necessitate dispassionate, objective review and technical, specialized knowledge, fairness and equity in these situations also dictate special channels and procedures outside of the regular administrative structure.
- (3) Whenever the county proposes and/or takes an action that severely affects an employee's employment status (adverse action), it shall afford the employee procedural due process. Procedural due process shall include:
  - a. A written statement of the reasons for a proposed action and an opportunity to reply before an action is taken;
  - b. Notification of the action taken, the reasons for the action stated in sufficient detail for a full and complete understanding, the right to appeal and the manner in which the appeal may be initiated;
  - c. An impartial hearing officer or board;
  - d. The right to representation, including legal counsel;
  - e. Fair rules of evidence; and
  - f. The right to confront and cross examine witnesses.
- (4) The county personnel board has been created to hear appeals arising from adverse action situations, illegal discrimination allegations, and classifications and examination decisions.

(b) *Adverse actions.*

- (1) Adverse actions are those actions taken by a department director for disciplinary reasons which result in an employee involuntarily suffering a loss in pay. Such actions include reduction in salary rate, demotion, suspension and dismissal. Placement of an employee on leave without pay status (or a charge against annual leave in lieu of suspension) as a disciplinary measure may also be considered an adverse action.
- (2) Demotions resulting from organizational changes, reductions in force because of lack of funds, rejections of probation, classification studies, and the voluntary initiative of an employee are not adverse actions for disciplinary reasons and are not appealable to the personnel board as such. Separations during the probationary period for original entrance appointments are not appealable to the personnel board. Adverse actions may be appealed to the personnel board as provided in this section.

(c) *Illegal discrimination.*

- (1) The Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, provides that:

It shall be an unlawful employment practice for an employer:

1. To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual, with respect to his compensation, terms, conditions or privileges of employment, because of such individual's race, color, religion, sex or national origin; or
  2. To limit, segregate or classify his employees in any way which would deprive or tend to deprive an individual of employment opportunities, or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.
- (2) The Age Discrimination in Employment Act of 1967 forbids discrimination in employment against persons between the ages of 40 and 70, except where a bona fide occupational qualification exists.
- (3) Whenever an employee has a complaint regarding illegal discrimination that cannot be resolved through the regular grievance process and/or with the assistance of the county equal employment opportunity officer, the complaint may be brought before the personnel board for review and recommendation for appropriate

resolution.

(d) *Classification or examination decisions.* Decisions made by the personnel division as the result of departmental and/or employee requests for individual employee position classification changes, or relating to rejection of employee examination applications or individual ratings on examinations may be appealed to the personnel board for review and recommendation for appropriate resolution.

(e) *Appeal procedures.*

- (1) *Notice of adverse action.* Concurrently with or in advance of action to reduce an employee's pay, suspend, demote or dismiss, an appointing authority shall notify an employee of the action being taken, the reasons for the action stated in sufficient detail for a full and complete understanding, the employee's right of appeal, and the manner in which the appeal may be initiated.
- (2) *Time limit for appeal.* The appeal by an employee shall be made within ten working days after receipt of the notice of adverse action, or of the occurrence of the event giving rise to the appeal.
- (3) *Method of filing appeal.* Appeal shall be made by filing a written request for a hearing before the county personnel board. Such request shall be filed with the county personnel office within the prescribed time limit.
- (4) *Scheduling of appeals.* The personnel office shall schedule appeals before the personnel board as expeditiously as possible, giving due consideration to the availability of board members, the availability of the parties, the complexities of the specific case, and the workload of the personnel board.
- (5) *Postponements.* Postponements may be granted only for good cause. Scheduling of cases will initially attempt to accommodate the needs of both parties in arranging their schedules and making adequate preparation. Postponement beyond the scheduled date will only be in recognition of unforeseen and unavoidable circumstances.
- (6) *Subpoenas.* Subpoenas for attendance at hearings may be issued upon request of the parties. The request for a subpoena must contain the names and addresses of those to be subpoenaed and the reason for the necessity of such a subpoena. Requests for subpoenas and for production of any books, records or papers pertinent to the hearing shall be made to the county personnel office at least two weeks prior to the hearing date.
- (7) *Representation.* Any party or person appealing to the personnel board shall have the right to be accompanied, represented or advised by an attorney or other

representative. Any designated attorney or representative should file a notice of representation with the county personnel office as soon as possible after being so designated.

(f) *Personnel board.*

- (1) Hearings before the personnel board shall be conducted informally in accordance with the Sunshine Law, F.S. § 286.011, and in accordance with procedures established by the personnel board, and shall not be bound by formal court procedures.
- (2) The personnel board or any member or alternate of the board designated by the board shall have the power to:
  - a. Administer oaths and affirmations;
  - b. Issue subpoenas for attendance and, with the approval of the county manager, compel the production of books, records and papers;
  - c. Rule upon offers of proof and receive relevant evidence;
  - d. Call and question witnesses;
  - e. Take or cause depositions to be taken;
  - f. Regulate the course of the hearing;
  - g. Hold conferences for the settlement or simplification of the issues by consent of the parties;
  - h. Dispose of procedural requests or similar matters; and
  - i. Recommend decisions to the county manager.
- (3) Each party shall have the right to present his case by oral and/or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination as may be required for a full and true disclosure of the facts.
- (4) A hearing may proceed in the absence of the appointing authority. If the appellant, after due notice, fails to be present, or fails to obtain an adjournment, and within five days does not provide good cause acceptable to the personnel director, the department's action shall be presumed to be valid.
- (5) The personnel board may grant continuances or adjourn the hearing from time to

time upon its own motion, upon joint request of the parties, or upon the request of one party for good cause shown.

- (6) A party who does not testify in his own behalf may be called and examined by the personnel board as if under cross examination.
- (7) The personnel board shall transmit its findings and advisory decision to the county manager for review and final decision within seven calendar days of the completion of the hearing or review.
- (8) Board members must be present when the board is called to order and must be present throughout the whole proceeding in order to take part in any of the proceeding, including deliberations and the final vote.

(g) *Decision by county manager.*

- (1) The county manager shall give due consideration to the findings and advisory decision of the personnel board. When the county manager proposes to base his decision on evidence or information not a part of the record, his decision, if adverse to the appellant, shall not be made until a proposal for decision is served on the parties and an opportunity is given to the appellant to file an exception and to present oral or written argument. The proposal for decision shall contain a statement of the reasons therefor.
- (2) The county manager may accept in full, modify or completely reject the personnel board's advisory decision. In the event of modification or rejection of the personnel board's advisory decision, the county manager may substitute such action as he believes will best resolve the issue in the interests of county government.
- (3) The decision or proposal for decision of the county manager shall be rendered within ten working days of the receipt of the findings and advisory decision of the personnel board. If an exception to the proposal for decision is filed, the final decision shall be issued within ten working days of written or oral argument received from the appellant.
- (4) The decision of the county manager shall be final, and the employee shall have no further right of administrative appeal.
- (5) The employee and all parties affected shall be promptly notified in writing of the county manager's final decision.

(h) *Restoration of position and back pay.* The county manager may decide that the disciplinary action was not well founded or too severe and may direct that it be canceled or modified. In the event that cancellation is directed by the manager, the affected employee shall be



paid in full for such portion of time as he was unjustly suspended, reduced in grade or pay, or removed. In the event that the action taken was removal or reduction in grade or pay, the affected employee shall be restored to his former position and pay status, or to a position in the same class and pay status. In the event that modification is ordered, the county manager's decision will include directives as to pay.

(Ord. No. 81-19, § 15.05, 9-3-81)

**Cross reference(s)**--Boards, commissions, councils and authorities, § 2-421 et seq.

**Secs. 86-486--86-510. Reserved.**

#### DIVISION 15. ATTENDANCE AND LEAVE

**Sec. 86-511. Hours of work.**

(a) The county manager shall establish the hours of work, which, insofar as practicable, shall be uniform within occupational groups, which shall be determined in accordance with the needs of the county service and which shall take into account the reasonable needs of the public who may be required to do business with various county departments.

(b) The established biweekly work period for all full-time employees in the classified service shall not be less than 70 hours.

(Ord. No. 81-19, § 16.01, 9-3-81)

**Sec. 86-512. Attendance.**

Department directors shall be responsible for the attendance of all persons in their departments in accordance with the provisions of this article. Complete attendance records shall be maintained on forms and in accord with procedures issued by the personnel office.

(Ord. No. 81-19, § 16.02, 9-3-81)

**Sec. 86-513. Holidays.**

(a) *List of holidays.* The following days are designated as official holidays for county employees:

- (1) January 1, New Year's Day.
- (2) March or April, Good Friday.

- (3) Last Monday in May, Memorial Day.
- (4) July 4, Independence Day.
- (5) First Monday in September, Labor Day.
- (6) Fourth Thursday in November, Thanksgiving Day.
- (7) Friday following Thanksgiving Day.
- (8) December 25, Christmas Day.

(b) *Additional holidays.* Other days may be declared as holidays by the county council at its discretion.

(c) *Holiday pay.* For holiday pay purposes, a holiday is a paid day off irrespective of scheduled work hours. Employees shall receive holiday pay for all scheduled hours which would have been worked if not for the holiday, except for firefighters, who shall be paid 16 hours for a scheduled day.

(d) *Holidays falling on Saturday or Sunday.* Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

(e) *Work on holidays.* All employees not required to remain on duty to perform essential services shall be excused from all duty on designated holidays and shall receive holiday pay. In addition to the amount to which they are entitled as holiday pay, eligible employees who are required to be on duty on a designated holiday shall be paid at straight time for the hours worked on the holiday. To the extent that such hours exceed the regularly scheduled work hours for that pay period the employees shall be paid at premium rates or receive compensatory time at premium rates.

(f) *Holidays falling on scheduled day off other than Saturday or Sunday.* When a holiday falls or is scheduled to be observed on an employee's normal day off, other than a Saturday or Sunday, such employee shall be granted a day off in lieu of the holiday at another time to be determined by departmental management.

(g) *Holidays occurring during annual leave or sick leave.* Holidays which occur during annual leave or sick leave shall not be charged against annual or sick leave.

(h) *Part-time employees.* Part-time employees shall be paid straight time for holidays on a pro rata basis in the same proportion as their biweekly scheduled hours are to a full biweekly pay period for their classification.

(i) *Temporary and intermittent employees.* Temporary and intermittent employees shall not be paid for holidays.

(j) *Pay status.* An employee must be in pay status (not on unpaid leave or suspension) on the scheduled workday before and the scheduled workday after a holiday in order to be paid for the holiday. When a holiday falls at the beginning or the end of a pay period, an employee must be in pay status only on the scheduled workday before or after the holiday which falls within the pay period.

(k) *New employees.* Employees whose initial scheduled workday is a designated holiday shall not be eligible for holiday pay for that day unless they are required to actually work that day.

(Ord. No. 81-19, § 16.03, 9-3-81)

### **Sec. 86-514. Annual leave.**

(a) *Philosophy.* Annual leave is provided for the purpose of allowing employees time off from their work for vacation purposes or for necessary time to attend to personal business which cannot be conducted during off-duty hours.

(b) *Eligibility.* All permanent and provisional, full-time, part-time and seasonal employees in nonexempt classifications shall be eligible to earn and accrue annual leave credits and may utilize such leave upon completion of six months of continuous scheduled service except as provided in this section. Part-time employees normally working less than 35 hours per biweekly pay period week and temporary employees shall not be eligible to earn, accrue or utilize annual leave. A temporary employee who is appointed to a permanent position in the same classification without a break in service shall have his service as a temporary employee counted for annual leave accumulation purposes as if it had been a permanent appointment.

(c) *Rate at which leave is earned.* Annual leave shall be earned at the rate of eight hours per month for each continuous month of employment during the first seven years of service. Beginning with the first month of the eighth year of continuous service, annual leave shall be earned at the rate of ten hours per month of continuous employment. Beginning with the first month of the 14th year of continuous service, annual leave shall be earned at the rate of 12 hours per month of employment. Beginning with the first month of the 20th year of continuous service, annual leave shall be earned at the rate of 14 hours per month of employment, or sufficient to cover one full month of leave time.

- (1) *Part-time employees.* Part-time employees who work 35 hours or more per biweekly pay period shall be entitled to accumulate leave in proportion to the number of hours worked. An employee who normally works less than 35 hours per biweekly pay period shall not be entitled to earn and accrue annual leave.
- (2) *Leave of absence.* Annual leave shall not accrue during a leave of absence without

pay.

- (3) *Disability leave.* Annual leave shall accrue during any period of disability leave when the employee is drawing full biweekly pay through payments of worker's compensation benefits and use of sick or annual leave.

(d) *Accumulation.* A total of 288 hours of annual leave is the maximum that may be carried over from one fiscal year to the next, except for firefighters, who may carry over a total of 403 hours. On the first day of the county's new fiscal year (October 1 or as set by the county manager), the annual leave balance of any employee that exceeds 288/403 hours shall be reduced to 288/403 hours. Employee annual leave accumulations which exceed 288/403 hours as of the effective date of the ordinance from which this section is derived shall be divided into a regular annual leave account and an excess annual leave account.

- (1) The regular annual leave account shall contain those hours of annual leave accumulated under this article, but shall never exceed a total of 288/403 hours at the beginning of any fiscal year.
- (2) The excess annual leave account shall contain all hours earned and accumulated in excess of 288/403 hours. This account may be decreased by usage, but never increased. Any balance in an employee's excess leave account, along with balances in the regular leave account, shall be paid on the employee's termination, retirement or death, at the employee's rate of pay at that time. Balances in the excess annual leave account may be paid at such other times as the county council may determine. It is the intent of this section to have employees take their annual leave yearly for the purpose for which it was earned. Employees carrying excess leave should be afforded the opportunity to use excess credits, if possible.

(e) *Use.*

- (1) *Prior approval required.* Annual leave may be used only with prior approval of the department director or his designated representative. Absence from work for other than illness reasons without prior approval may result in severe disciplinary action, including dismissal.
- (2) *Restrictions on use.*
  - a. Approval of duration and timing of vacations shall be determined by the department director with due regard to the employee's wishes, the employee's length of service, and the needs and workload of the department. Every effort will be made to allow at least two weeks' leave during the year.
  - b. Annual leave may be used only to the extent of an employee's available

accumulation. Annual leave may not be allowed in advance of being earned. If an employee has insufficient leave credits to cover a period of absence, no allowance for leave shall be granted in advance or in anticipation of future leave credits. In such cases, payroll deductions shall be made for the time for which leave credits were not available.

c. Annual leave may not be taken during the first six months of employment. The six months may be extended by the amount of any unpaid leave exceeding two weeks that occurred during such period.

(3) *Minimum charge.* Annual leave shall be charged in multiples of one-half hour. One-half hour shall be the minimum charge for any usage. Any use up to one-half hour shall be charged as one-half hour.

(4) *Maximum charge.* For each full day's absence, a maximum charge equal to the employee's scheduled work hours for that day shall be charged. A firefighter's 24-hour shift shall be reported as 16 hours for the purpose of charging annual leave credits.

(5) *Use in lieu of sick leave.* Annual leave may be used in lieu of sick leave or for sick leave purposes when sick leave is exhausted. Sick leave shall not be used for annual leave purposes.

(6) *Leave of absence.* A leave of absence without pay for illness purposes shall not be allowed when an employee has accrued annual leave credits available and is eligible to use annual leave; provided that an employee may retain an accumulation of 16 hours of annual leave and be granted a leave of absence without pay.

(f) *Payment for unused annual leave.* An employee who has completed the initial probationary period and who separates from the service shall be paid for all unused annual leave at the hourly rate of pay such employee was earning on the effective date of separation.

(g) *Death of employee eligible for annual leave.* Upon the death of an employee who has completed the initial probationary period, any unused annual leave shall be paid at the hourly rate of pay that such employee was earning on the date of death in accordance with section 86-117.

(h) *Extension of service.* Annual leave shall not be used by an employee separating from the service for purposes of extending the date of employment beyond the date that such employee ceases to actually perform the duties of the position which he occupies.

(Ord. No. 81-19, § 16.04, 9-3-81; Ord. No. 95-38, § I, 9-21-95)

**Sec. 86-515. Well day.**

(a) *Philosophy.* While the county compensates the employee who has legitimate personal and family health problems by the allowance of sick leave, the county also recognizes the value of nonuse of sick leave.

(b) *Award.* A well day is a day off with pay awarded to a full-time employee who uses no sick leave during a designated six-month period. A well day shall be defined as a regularly scheduled workday irrespective of scheduled work hours. A well day is a bonus leave day. No deduction shall be made to an employee's sick or annual leave accumulations when a well day is used.

(c) *Use.* A well day may be used only with prior approval of the department director or his designated representative. The well day must be utilized within the six-month period immediately following the period for which it was awarded. If the well day is not taken within the specified time period, it shall expire and no longer exist.

(Ord. No. 81-19, § 16.05, 9-3-81)

**Sec. 86-516. Sick leave.**

(a) *Philosophy.* Personal sick leave/family sick leave benefits shall not be considered as a right or a privilege to be used at an employee's discretion. Personal/family sick leave benefits are an allowance granted by the county to provide employees reasonable time off during periods of personal or family illness or injury without loss of pay. Accumulation of personal/family sick leave benefits should be viewed as an insurance policy and should not be considered as money in the bank to which the employee has an acquired right.

(b) *Eligibility.* All permanent and provisional, full-time, part-time and seasonal employees in nonexempt classifications shall be eligible to accumulate personal/family sick leave benefits and may be authorized to use such benefits when accrued. Part-time employees normally working less than 35 hours per biweekly pay period, and temporary employees, shall not be eligible to accrue or utilize personal/family sick leave benefits. A temporary employee who is appointed to a permanent position in the same classification without a break in service shall have his service as a temporary employee counted for personal/family sick leave benefits accumulation purposes as if it had been a permanent appointment.

(c) *Rate at which leave is accumulated.* All eligible employees shall accumulate personal/family sick leave benefits at the rate of eight hours per month, except as provided in this subsection.

- (1) *Part-time employees.* Part-time employees who work 35 hours or more per biweekly pay period shall be entitled to accumulate personal/family sick leave benefits in proportion to the number of hours worked. An employee who normally works less than 35 hours per biweekly pay period shall not be entitled to accrue personal/family sick leave benefits.

- (2) *Leave of absence.* Personal/family sick leave benefits shall not accrue during a leave of absence without pay.
- (3) *Disability leave.* Personal/family sick leave benefits shall accrue during any period of disability leave when the employee is drawing full biweekly pay through payments of worker's compensation benefits and use of personal sick or annual leave.

(d) *Accumulation.* There shall be no maximum limit on the amount of personal/family sick leave benefits which may be accumulated.

(e) *Use.*

(1) *Approval.*

- a. Personal/family sick leave benefits usage must have the approval of the employee's department director or his designated representative. Whenever the situation permits, the employee must secure prior approval for the use of personal/family sick leave benefits from his immediate supervisor. If prior approval is not possible, the employee, barring any mitigating circumstances, shall notify his immediate supervisor, division or department director prior to or within one hour after the time established for beginning his daily duties.
- b. An employee in an organizational unit operating on a 24-hour basis must notify the appropriate supervisor within the time limit established by the department director.

(2) *Certification by a physician.*

- a. A department director may require an employee to submit a medical certification signed by a licensed physician to substantiate usage of personal/family sick leave benefits.
- b. Such certification may be required if absence from duty for illness purposes occurs frequently or habitually, or in such a manner as to suggest a pattern of usage, provided the employee has been notified in writing that a certificate will be required.
- c. A certification from a licensed physician may also be required whenever the department director has reason to believe that an employee may be fraudulently or illegitimately using personal/family sick leave benefits.
- d. When an employee is returning to duty following a long illness or absence

due to injury, or whenever the department director has reason to question the employee's physical ability to return to duty and perform all duties without restriction or without risk of injury to himself or others, the department director may require a medical certification of the employee's fitness to return to duty. A medical certificate shall include the nature of the illness or injury, the prognosis, and the probable date when the employee will return to work.

- (3) *Minimum charge.* Personal/family sick leave benefits shall be charged in multiples of one-half hour. One-half hour shall be the minimum charge for any usage. Any use up to one-half hour shall be charged as one-half hour.
- (4) *Maximum charge.* For each full day's absence, a maximum charge equal to the employee's scheduled work hours for that day shall be charged. Employees assigned to positions scheduled on a 24-hour shift basis shall be charged 16 hours of personal/family sick leave benefits for each 24-hour shift not worked because of illness or injury.
- (5) *Purpose of use.*
  - a. *Personal sick leave.* Personal sick leave is a benefit which may be granted on account of:
    1. Personal injury or illness of the employee.
    2. Exposure to contagious disease which would endanger others.
    3. Appointments with physicians, dentists or other medical practitioners which cannot be scheduled during nonworking hours.

Pregnancy, miscarriage, abortion, childbirth and recovery therefrom shall be considered a temporary disability and subject to the same policies and regulations as apply to regular personal sick leave.
  - b. *Family sick leave.* Family sick leave is a benefit which may be granted on account of absence due to illness, injury or death of immediate family members to the extent that such illness or injury requires the specific time and attention of the employee and until such time as the employee can make appropriate arrangements for other care of the family member.
- (6) *Employee certification.* An employee shall be required to explicitly state and certify on a prescribed form whether his absence was for personal sick leave or family sick leave.



- (7) *On-the-job injuries.*
- a. *Reporting.* An employee, injured on the job, however slightly, must report the injury to his supervisor immediately. The employee's supervisor must follow the appropriate procedures prescribed for reporting on-the-job injuries.
  - b. *Absence on day of injury.* Any absence from duty due to injury on the day of injury shall not be charged to an employee's leave accumulation.
  - c. *Absence for first seven calendar days.* Beginning with the first day after an on-the-job injury and continuing through the seventh day following the injury, an absence resulting from the injury shall be charged to personal sick leave or annual leave.
  - d. *Absence for eight or more days.* Beginning with the eighth day of absence resulting from an on-the-job injury, an employee may elect to use personal sick or annual leave credits to supplement statutory compensation benefits (currently 66 2/3 percent of salary) up to a maximum of full salary.
  - e. *Absence for 15 or more days.* When an employee has been absent due to an on-the-job injury for 15 calendar days, he may be granted worker's compensation benefits for the first week of injury. When this occurs, the employee's sick or annual leave accounts shall be credited with up to two-thirds of any leave that was used during the first seven days of absence.
- (8) *Bereavement leave.* In the event of the death of certain members of the immediate family, an employee shall be granted up to three working days off with pay. These days off shall not be charged to annual leave or sick leave. For the purpose of this section, the term "immediate family" shall be limited to the spouse, child, parent, brother, sister, father-in-law, mother-in-law, grandfather, grandmother and grandchildren. In circumstances of extreme hardship, the department head may grant additional days off with pay with prior approval of the personnel director, as follows:
- a. *Spouse or child.* A maximum of 80 hours of family sick leave may be granted to an employee in the event of death of his spouse or child.
  - b. *Other members of immediate family.* A maximum of three working days of family sick leave may be granted in the event of a death in an employee's immediate family.
  - c. *Additional time.* If more time is required than granted under subsections a. and b. of this subsection, the additional time may be charged to annual

leave or leave without pay with the approval of the immediate supervisor.

d. *Refusal to grant leave.* The department director may limit such leave to less than that specified in this subsection, or refuse to grant such leave, if the employee does not intend to attend the last rites of the deceased relative and/or cannot demonstrate reasonable need for the amount requested.

(9) *Leave of absence.* No leave of absence without pay for illness purposes shall be allowed when an employee has accrued personal/family sick leave benefits available.

(10) *Limitations on use.* Personal/family sick leave benefits may be used only to the extent of an employee's available accumulation. Personal/family sick leave benefits may not be allowed in advance of being earned. If an employee has insufficient leave credits to cover a period of absence, no allowance for future leave shall be granted in advance or in anticipation of future leave accumulation. In such cases either annual leave credits may be used or the employee may be placed on leave without pay.

(f) *Extension of service.* Personal/family sick leave benefits shall not be used by an employee separating from the service for purposes of extending the date of employment beyond the date that such employee ceases to actually perform the duties of the position which he occupies.

(g) *Payment for unused leave.*

(1) Employees with five years of county service who properly resign, are laid off, or otherwise separate in good standing shall be entitled to receive 20 percent of their unused sick leave, not to exceed 208 hours of pay.

(2) Employees terminating prior to five years of service or not in good standing shall not be eligible for payment of any unused sick leave unless recommended by the appointing authority and approved by the county manager. If approved, the amount of payment shall be no more, but may be less, than provided for in subsection (g)(1) of this section.

(3) In the event an employee is separated from the county due to death, 50 percent of any unused sick leave balance, not to exceed 520 hours, shall be paid to the employee's designated beneficiary or estate.

(4) Employees who meet all the requirements for retirement under the Florida Retirement System, and who retire from the county in good standing, shall receive payment for 50 percent of their unused sick leave balance, not to exceed 520 hours

of pay. A retiree shall be deemed to be an employee who, upon termination from county services, commences to receive cash benefits from the Florida Retirement System.

(h) *Reinstatement or reemployment.* If an employee is reinstated or reemployed as provided in this article, his previous personal/family sick leave benefits accumulation shall be restored to his credit.

(i) *Benefits not to be considered wages.* The policy of the county is reaffirmed and declared that personal sick leave benefits received by employees of the county be excluded from wages for the purposes of the Social Security Act in the same manner that such payments are excluded with respect to employees of employers subject to the Federal Insurance Contributions Act. It is hereby reaffirmed and declared that personal sick leave benefits are and have been paid entirely on account of personal sickness or disability and are not and have never been merely a continuation of wages.

(Ord. No. 81-19, § 16.06, 9-3-81; Ord. No. 88-31, §§ X, XI, 9-15-88; Ord. No. 95-38, § II, 9-21-95)

#### **Sec. 86-517. Disability leave.**

For absence from duty caused by injuries or illness covered under the Florida Worker's Compensation Law, an employee may elect to use personal/family sick or annual leave credits to supplement his statutory compensation benefits (currently 66 2/3 percent of salary) up to but not exceeding the employee's regularly scheduled salary as provided in sections 86-514 and 86-516.

- (1) *Assignment to other duties.* If incapacitated for his regular position, the employee may be given other duties with the county service for the period of recuperation. Unwillingness to accept such an assignment as directed by the department director or the personnel director will make the employee ineligible for disability leave during the time involved; however, this will not affect any benefits the employee may be entitled to under the Worker's Compensation Law.
- (2) *Leave of absence.* An employee who has exhausted annual and personal/family sick leave benefits and continues to be incapacitated for his regular position may be placed on a leave of absence as provided in section 86-518.
- (3) *Physical examination.* A physician selected by the personnel director may be used to determine the physical ability of the employee to continue working or to return to work.

(Ord. No. 81-19, § 16.07, 9-3-81)

#### **Sec. 86-518. Leave of absence without pay.**

(a) *Purpose.* A leave of absence without pay may be granted to an employee for necessary absence when personal/family sick leave benefits and annual leave are exhausted or when the use of personal/family sick leave benefits and annual leave is not appropriate. Normally, a leave of absence without pay will be utilized in situations involving personal or family illness, or where the absence of the employee will be of potential future benefit to the county as well as to the employee personally. In exceptional situations, an employee may be allowed a leave of absence without pay for other than illness purpose if the department director can demonstrate a benefit may accrue to the county from granting such leave. Under no circumstances may a leave of absence without pay be granted to allow an employee a trial period on another job.

(b) *Approval.* A department director with the concurrence of the personnel director may grant a leave of absence without pay for a period not to exceed six months. A leave of absence without pay in excess of six months, or an extension beyond six months, may be granted with the prior approval of the personnel director.

(c) *Eligibility.* Employees who have completed their initial probationary periods shall be eligible to be considered for a leave of absence without pay. Approval of a leave of absence and the duration of such leave may be determined by giving due consideration to length of service, quality of performance, interests of the county service, reason for the leave, and any other circumstances deemed appropriate by the department director and/or the personnel director.

(d) *Regular leave of absence.* A regular leave of absence shall be granted when the period of leave is for a specified period of less than one year, either initially or as extended. An employee granted a regular leave of absence shall be entitled to return at the end of the period of leave to the same position or to another position in the same class with substantially the same working conditions in the same department in which he was employed when the leave was granted.

(e) *General leave of absence.* A general leave of absence may be granted when the period of leave is for a period of time that cannot be specified, but is reasonably expected to last longer than six months, or when the known period of leave is for longer than one year. An employee granted a general leave of absence shall be entitled to return at the end of the period of leave to the first vacancy in the same class with substantially the same working conditions in the same department in which he was employed when the leave was granted. The employee may elect to return to a vacancy in a lower level classification, in which case the entitlement to the first vacancy in the class from which the leave was granted would still remain.

(f) *Anniversary date.* The anniversary date of an employee on leave of absence without pay shall be adjusted in such manner that the time off on leave shall not be credited as service time for the purpose of employment preference. The anniversary date may be adjusted for pay purposes, if appropriate.

(g) *Salary.* An employee shall return from leave of absence without pay to the same salary rate as he held at the effective date of the leave of absence. If a general salary increase has been

granted during the period of the leave of absence, the employee shall have his salary rate adjusted upward by the percentage amount of such general salary increase.

(h) *Retirement credit.* Retirement credit for the period of the leave of absence without pay may be allowed, if provided for in the plan in operation, provided the employee pays both his and the county's share of the retirement plan contributions.

(i) *Insurance.* Membership may be maintained in the county-sponsored group insurance plans provided the employee pays both the employee's share and the county's share of the group insurance premiums.

(j) *Annual leave, sick leave benefits and holiday pay.* An employee on leave of absence without pay shall not earn annual or personal/family sick leave benefits or pay for holidays while on leave.

(k) *Failure to return from leave of absence.* Failure of an employee to return to duty upon the expiration of the leave of absence without pay shall be interpreted as a resignation.

(l) *Service credit.* A leave of absence without pay shall not be considered a break in service, but the period of time of the leave shall not count as service time for employment preference.

(Ord. No. 81-19, § 16.08, 9-3-81)

**Sec. 86-519. Maternity leave.**

(a) *Policy.* Federal Equal Employment Opportunity Commission guidelines on discrimination because of sex provide that absence due to maternity-related reasons be considered and treated as a temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion or childbirth, and recovery therefrom, is, for all job-related purposes, temporary disability; and the sick leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.

(b) *Leave.* Maternity leave is a period of approved absence for incapacitation related to pregnancy and confinement. Maternity leave may be charged to personal/family sick leave benefits accumulations, or to any combination of personal/family sick leave benefits and annual leave accumulations and leave of absence without pay when personal/family sick leave benefits and annual leave accumulations are exhausted, as provided in this article.

(c) *Reporting.* An employee should report her pregnancy as soon as practicable to her department director, and no later than the sixth month of pregnancy. Such notification shall include a written statement from her physician specifying the approximate date of birth.

(d) *Period of leave.* The time when a pregnant woman should cease or return to work will

be determined on an individual basis and will depend on the physical condition of the particular employee and the nature of her job.

- (1) An employee will be allowed to continue work so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by her physician, the employee and the department director.
- (2) The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that she is physically and mentally able to perform the normal duties of her position with full efficiency.

(Ord. No. 81-19, § 16.09, 9-3-81)

**Sec. 86-520. Military leave.**

(a) *Leave without pay.* Any permanent employee who leaves the service of the county to join the military forces of the United States, or is called to active duty for service or training, shall be placed on military leave without pay, in accordance with conditions set forth in federal and state laws.

- (1) *Duration of leave.* Military leave without pay shall extend through a date of one year from the date on which the employee is relieved from the military service.
- (2) *Return to work.* An employee shall be entitled to be reemployed in his former position or its equivalent, provided he requests reemployment with the personnel division within one year of the date of his discharge under honorable conditions from military service or hospitalization resulting from military service, and is physically and mentally capable of performing the normal duties of the position.
- (3) *Seniority and benefits.* The returning employee shall receive employment preference credit for all time spent on military leave without pay and shall also be entitled to any increases in salary or any advancement in grade that would normally have occurred had the employee not been on military leave without pay. This shall not include any increases or advancement in grade which would normally be dependent on meritorious performance of the duties of the position.
- (4) *Reemployment when previous position no longer exists.* In the event a position vacated by an employee entering the armed services no longer exists at the time he qualified to return to work, such person shall be entitled to be reemployed in another position of the same class or equivalent in the county service, provided such reemployment does not necessitate the demotion or layoff of another person who was appointed at an earlier date than such person returning from military leave without pay.

(b) *Leave with pay.* A permanent employee who is a member of the National Guard, or an organized military reserve of the United States, will be allowed a maximum of 17 calendar days leave of absence with pay during any continuous 12-month period when called to active duty, or for training with the armed forces, and up to 17 days at any one time when engaged in active state duty with the Florida National Guard.

(Ord. No. 81-19, § 16.10, 9-3-81)

**Sec. 86-521. Civil leave.**

(a) *Policy.* An employee shall be given time off without loss of pay when performing jury duty, when subpoenaed to appear before a court, public body or commission, or when performing emergency civilian duty in connection with national defense, or may be allowed up to two hours for the purpose of voting when the employee's work schedule conflicts with the hours that the polls are open.

(b) *Endorsement of payment to county.* If such employee receives payment for any such service, except for jury duty or activities described in the subsection (d) of this section, he shall be required to endorse such payment over to the county if the employee wishes to receive his regular pay.

(c) *Witness fees.* Witness fees received for services performed in the line of duty while the employee is on full pay status shall be endorsed over to the county.

(d) *Personal involvement in court proceedings.* Leave for court attendance when the employee, as a private individual, is the defendant, engaged in personal litigation, or involved in a matter unrelated to his work with the county shall be charged to annual leave or leave of absence without pay.

(e) *Activities on employee's regular days off.* The provisions of this section are not applicable on an employee's regular days off.

(f) *Return to duty.* Upon release from the court's jurisdiction, an employee will be allowed a maximum of 1 1/2 hours to attend to personal matters before returning to duty, if the entire day has not been required by the court.

(Ord. No. 81-19, § 16.11, 9-3-81)

**Sec. 86-522. Leave with pay.**

(a) *Educational leave.* A full-time permanent employee may be granted educational leave with full pay or partial pay for the purpose of taking courses directly related to his work as determined and approved by the department director and the personnel director, in accordance with such conditions as may be established in each individual situation.

(b) *Seminars and professional meetings.* Employees may be granted leave with pay for attendance at seminars, training sessions or professional meetings related to the employee's work as determined necessary and approved by the department director.

(c) *Physical examinations.* Employees requested to appear for a physical examination related to their work, or for induction into the military service, shall be granted leave with pay for such purpose.

(d) *Merit system or other examinations.* An employee may be granted leave with pay while taking county merit system examinations, or examinations before a federal, state or other governmental agency, provided such examinations are pertinent to his county employment.

(Ord. No. 81-19, § 16.12, 9-3-81)

**Sec. 86-523. Absence without leave.**

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by specific grant of leave under the provisions of this article shall be deemed to be an absence without leave and shall be without pay.

- (1) *Disciplinary action.* Any absence without leave may be subject to disciplinary action, up to and including dismissal, depending upon the circumstances of the situation.
- (2) *Absence for three days.* In the absence of disciplinary action, any employee who is absent for three consecutive days without leave shall be deemed to have resigned.

(Ord. No. 81-19, § 16.13, 9-3-81)

**Sec. 86-524. Personal leave.**

All permanent and provisional, full-time, part-time and seasonal employees assigned to exempt classifications shall be eligible for personal leave pursuant to the rules and regulations as adopted by the county council.

(Ord. No. 95-38, § III, 9-21-95)

**Secs. 86-525--86-550. Reserved.**

DIVISION 16. EMPLOYEE DEVELOPMENT AND TRAINING

**Sec. 86-551. Policy.**



It shall be the responsibility of the personnel director in cooperation with department directors, employees and others to foster and promote programs of employee development and training for the county service and in-service training of employees for the purpose of improving the quality of service rendered to the public, and of aiding employees to equip themselves for advancement in the county service.

(Ord. No. 81-19, § 17.01, 9-3-81)

**Sec. 86-552. Identifying and assessing training and development needs.**

(a) At the time of the annual supervisory-employee evaluation discussion, the supervisor and employee should discuss areas where training is needed or desirable for improved performance in the employee's present job, or would be helpful in developing additional skills for growth into other positions in the county service. The supervisor should include a statement of training needs on the performance evaluation form.

(b) Department directors should, through contact with the personnel director and the public community, keep themselves apprised of training programs that may be of help or interest both to themselves and to their employees, and should nominate employees for appropriate training courses.

(Ord. No. 81-19, § 17.02, 9-3-81)

**Sec. 86-553. Administration of programs.**

The personnel director shall be responsible for:

- (1) Recommending standards for training programs and programs meeting such standards to department directors as appropriate.
- (2) Ensuring that training is carried out as approved and preparing certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs.
- (3) Assisting department directors in developing and conducting training programs to meet the specific needs of their departments, and in developing and utilizing other techniques for increasing employee efficiency.
- (4) Developing and conducting supervisory and management training, and other types of training and management development programs common to all departments.
- (5) Assisting department directors in establishing standards of performance and

procedures for evaluating employee performance and potential for growth and for identifying training needs.

- (6) Making available information concerning job requirements and training opportunities in order to assist employees in increasing their efficiency in their present positions, and in preparing themselves for promotions to higher positions in the county service.
- (7) Maintaining records of all approved training programs and courses, and a record of employees who successfully complete such courses and programs.
- (8) Evaluating the effectiveness of training programs.

(Ord. No. 81-19, § 17.03, 9-3-81)

**Secs. 86-554--86-580. Reserved.**

DIVISION 17. EMPLOYEE BENEFIT PROGRAMS

**Sec. 86-581. Philosophy and policy.**

(a) The county service and the citizens of the county are directly benefited by the maintenance of a stable, healthy, secure, happy and highly motivated work force.

(b) Toward this end, the personnel director shall cooperate with department directors, employees and others to promote measures directed toward more sanitary, safe, healthful working conditions; toward improving employee personal productivity and morale; toward improving the efficiency and effectiveness of employee efforts and working conditions; toward affording better facilities for recreation; and toward any other means of bettering the condition and improving the morale of county employees.

(Ord. No. 81-19, § 18.01, 9-3-81)

**Sec. 86-582. Suggestion system.**

The personnel director, with the approval of the county manager, may establish a system for the receipt, acknowledgment, recording, evaluation and action on suggestions of employees for improving the county service. Cash awards for accepted suggestions may be made in accordance with appropriations for that purpose in the annual budget.

(Ord. No. 81-19, § 18.02, 9-3-81)

**Sec. 86-583. Employee recognition and incentives.**

The personnel director, with the approval of the county manager, may establish employee recognition, incentive award and other programs designed to recognize and award employees for improved personal productivity, outstanding performance and long service. Awards for such programs shall be made in accordance with council policy.

(Ord. No. 81-19, § 18.03, 9-3-81)

**Sec. 86-584. Group insurance.**

(a) *Recommendation of changes.* The personnel director shall annually recommend to the county manager for inclusion in the budget any necessary changes in the county's group insurance plans to keep them current with changing economic conditions and costs of health care, and to maintain them on a comparable competitive basis with plans offered by other employers.

(b) *Eligibility.*

- (1) *Full-time employees.* All full-time employees, including those designated as limited term or grant term, shall be eligible to participate in any county-sponsored group insurance program, provided application is made during established enrollment periods.
- (2) *Part-time employees.* Part-time employees normally scheduled to work from 35 hours to 60 hours per pay period shall be eligible to participate in any county-sponsored group insurance program provided that the employee shall pay one-half of the premium normally paid by the county for such insurance coverage. Part-time employees normally scheduled to work less than 35 hours per pay period shall not be eligible to participate in county-sponsored group insurance programs.
- (3) *Temporary, intermittent or seasonal employees.* Temporary, intermittent or seasonal employees shall not be eligible to participate in county-sponsored group insurance programs.

(c) *Categories of group insurance.* The personnel director, with the approval of the county manager and to the extent to which appropriations are made available, shall establish and maintain group insurance programs in the following categories:

- (1) Health insurance.
- (2) Life insurance.
- (3) Accidental death and disability.
- (4) Dental insurance.

- (5) Longterm disability insurance.

(d) *Coverage for dependents.* Dependents of employees as normally defined in standard group policies shall also be allowed to be included under the coverage of the various group insurance categories where appropriate; and, if specifically approved by the county council, all or part of the premium attributable to such dependents may be paid by the county.

(Ord. No. 81-19, § 18.04, 9-3-81)

**Sec. 86-585. Deferred compensation.**

The personnel director and the finance director shall jointly establish and maintain a deferred compensation program for county employees, in accordance with the rules and regulations promulgated by the United States Internal Revenue Service.

(Ord. No. 81-19, § 18.05, 9-3-81)

**Sec. 86-586. Retirement.**

(a) Except for elected officials and others who have elected coverage under the SCOERS system, county employees shall be members of the Florida Retirement System provided through state legislation, and administered by the retirement division of the department of administration of the state.

(b) Normal retirement benefits begin at age 62 after a minimum of ten years of service under the Florida Retirement System, and may be roughly estimated by multiplying 0.016 times years of service times the average of the last five years' salary.

(Ord. No. 81-19, § 18.06, 9-3-81)

**Sec. 86-587. Social security benefits.**

The employees of the county are covered under federal social security, for which the employee and the county contribute equal shares. Social security benefits include retirement, death benefits, survivor benefits, disability benefits and medicare.

(Ord. No. 81-19, § 18.07, 9-3-81)

**Sec. 86-588. Unemployment compensation.**

County employees are covered under state and federal laws providing unemployment compensation benefits. When an employee is separated from his position for reasons other than voluntary resignation or misconduct, he may be eligible for unemployment compensation benefits.

(Ord. No. 81-19, § 18.08, 9-3-81)

**Sec. 86-589. Worker's compensation.**

State law mandates that employees be provided worker's compensation coverage so that, in the event of on-the-job or job-related illness, injury or death, the employee or survivors are compensated for necessary medical expenses and income loss as provided in the law.

(Ord. No. 81-19, § 18.09, 9-3-81)

**Sec. 86-590. Tuition refunds.**

The personnel director shall establish a program of partial or total tuition refunding to encourage employees to complete courses of instruction which may improve performance in their present positions, or which may enable them to assume greater promotional responsibilities within county government.

(Ord. No. 81-19, § 18.10, 9-3-81)

**Sec. 86-591. Miscellaneous benefits.**

County employees are eligible to participate in numerous benefit areas about which details can be obtained through the personnel office.

(Ord. No. 81-19, § 18.11, 9-3-81)

**Secs. 86-592--86-620. Reserved.**

DIVISION 18. RECORDS AND REPORTS

**Sec. 86-621. Philosophy and policy.**

(a) The state has enacted legislation, which is fully endorsed and supported by the county, which states that public records are the public's business, and that any citizen has the right and the privilege of access to any records maintained by a public agency, with certain specified exceptions.

(b) In accord with this philosophy, any records of the personnel division, except those expressly exempted by law, shall be open to the public during normal working hours in accordance with reasonable rules set forth to ensure the safety and security of the records, and to provide for minimal disruption of public business.

(Ord. No. 81-19, § 19.01, 9-3-81)

**Sec. 86-622. Custody of records.**

The personnel director is the official custodian of all personnel records and shall be responsible for their safekeeping and retention as prescribed by law.

(Ord. No. 81-19, § 19.02, 9-3-81)

**Sec. 86-623. Official forms and records.**

(a) *Forms.* All personnel actions described in this article shall be made on forms designated by the personnel director.

(b) *Records.* The official record of all personnel transactions shall be maintained in the personnel office. Any records or copies of records that may be maintained in departmental files shall not be considered to be a part of the employee's personnel record, or a part of the official personnel files, unless such record is also on file in the personnel office.

(Ord. No. 81-19, § 19.03, 9-3-81)

**Sec. 86-624. Availability of records.**

Except those records exempted by law, personnel records are public records available for inspection by any person.

- (1) *Inspection.* Any person wishing to inspect any personnel record may do so during regular work hours.
- (2) *Copies.* Any person desiring a copy of any public record may have such copy furnished for a per copy fee, to cover the expense of producing such copy, to be determined by the personnel director.
- (3) *Research and creation of data.* The personnel office is not required by the Public Records Law, F.S. ch. 119, to perform records research and to compile date into records in new form. Space and assistance will be made available to persons wishing to research and compile date.
- (4) *Delay in availability.* Single records are normally available immediately for inspection. If an extensive file search and/or copying is necessary to make the requested records available, inspection may be delayed a reasonable time to allow the file search and copying to take place without undue disruption of public service.
- (5) *Removal or destruction of records.* No records may be removed from the personnel office or destroyed, except with the specific approval of the personnel

director.

(Ord. No. 81-19, § 19.04, 9-3-81)

**Secs. 86-625--86-650. Reserved.**

#### DIVISION 19. CERTIFICATION OF PAYROLLS

**Sec. 86-651. Payroll changes.**

A payroll addition, change or deletion shall not take effect until the personnel action notification has been approved by the personnel director in writing on an approved form.

(Ord. No. 81-19, § 20.01, 9-3-81)

**Sec. 86-652. Review of payrolls.**

The personnel director and the finance director shall jointly promulgate payroll review procedures consonant with applicable state law and accounting standards and principles.

(Ord. No. 81-19, § 20.02, 9-3-81)

**Secs. 86-653--86-670. Reserved.**

#### DIVISION 20. STATUS OF PRESENT EMPLOYEES

**Sec. 86-671. Generally.**

(a) All present employees of the county, except those occupying positions in the unclassified service, who have served the county continuously for a period of six months or more immediately preceding the effective date of the adoption of the county Charter shall be considered appointees in the classified service within the provisions of this article, without competitive examination.

(b) All other employees of the county, except those occupying positions in the unclassified service, who have served the county continuously for less than a period of six months immediately preceding the effective date of the county Charter may be considered appointees of the classified service within the provisions of this article, without competitive examination, when such employee has been certified by the proper authorities.

(Ord. No. 81-19, § 21.01, 9-3-81)

**Sec. 86-672. Vendors and part-time employees.**

Any person who is compensated for service by the county or its subdivisions, agencies or divisions by payment of fees or retainers, or any employee not working in a full-time capacity, shall be a termed part-time employee by the county manager, and shall not be automatically continued in such a position or office as contemplated by the county Charter.

(Ord. No. 81-19, § 21.02, 9-3-81)



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