

## ARTICLE I

### AUTHORITY, ADMINISTRATION AND DEFINITIONS

#### 1.01 PURPOSE

It is the purpose of these rules and regulations to implement and refine the objectives of the Civil Service System which have been established by the City Commission. These rules include provisions for appointment, career development, benefits, removal, discipline and related conditions of employment with the City of Deerfield Beach. These rules shall constitute the administrative guide for accomplishing the desired objectives of the City's personnel program and will outline to officers and the employees their respective responsibilities, benefits and privileges.

#### 1.02 CITY COMMISSION

The City Commission has established the authority for the preparation and administration of these rules. The City Commission shall approve the adoption of all rules and amendments to these rules by resolution.

#### 1.03 AUTHORITY

These rules and regulations shall govern all Civil Service System employees of the City. They shall also apply to probationary, part-time, temporary and government grant employees as determined by the City Manager and as outlines specifically by these rules.

- a. With the specific exclusion of positions established by the City Charter, offices, positions and rates of compensation shall be created and authorized by the City Manager with the approval of the City Commission.
- b. General responsibility and authority for the administration of municipal personnel practices shall be vested in the City Manager with the specific exclusion of matters and appointments reserved to the Civil Service Board and the Commission as set out by the City Charter.
- c. If any conflict arises between these rules and regulations and those established by the Charter and Civil Service Ordinances 617 and 651, the Charter and the respective ordinances shall prevail.

#### 1.04 ADMINISTRATION

- a. The Human Resources Department shall be responsible for the administration of these rules and regulations under the direction of the City Manager.

- b. The Management and Budget Department, under the City Manager's direction, shall establish the accounting procedures in order to provide accurate payroll calculations and to provide controls, such as time cards, payroll certifications, etc., necessary to meet fiscal and auditing compliance standards in relation to personnel pay and benefit programs.
- c. Department Heads are responsible for certifying all forms of pay, leave, attendance and absence of their respective employees to the City Manager. In addition, Department Heads are responsible for carrying out the fair administration of these rules and regulations in their respective departments.
- d. The Human Resources Department and the Management and Budget Department shall adopt, amend and rescind Administrative Regulations necessary for the administration of personnel matters which regulations shall not conflict with the City Charter or these rules and regulations.
- e. Questions that arise on the interpretation of these rules and regulations shall be determined by the City Manager as long as the interpretation does not conflict with the City Charter or stated policies of the City Commission with right of appeal to the Civil Service Board as provided in Ordinance No. 617.
- f. Department Heads may have internal rules, regulations, policies and procedures that expand on these rules and regulations as long as they do not conflict with this document and the administrative regulations adopted to administer this document. These internal departmental policies shall become an extension of these personnel rules and regulations and shall be as binding as this document for the purposes of the administration of personnel rules and disciplinary procedures.
- g. Maintenance of Personnel Files:
  - 1) The following documents may be kept by Department Heads on employees of their departments:
    - Personnel Action Forms
    - Employee Evaluation Forms
    - Disciplinary Action forms
    - Records of training
    - Records of hours worked and absences
    - Supervisors' notes
    - Records required of City departments to be kept on-site by regulatory or funding agencies.
  - 2) Copies of any documents other than those mentioned in Section 1.04, g, 1) above must be initialed by the Human Resources Director or his/her designee

before including them in departmental files. The originals of all such documents must be provided for the official personnel file in the Human Resources Department.

- 3) To insure that no documents are placed in an employee's file without the employee's knowledge that such documents exist, all documents placed in any employee's file shall be signed or initialed by the employee before being placed in an employee's file at the departmental level or in the official personnel file in the Human Resources Department. If the employee declines to sign or initial a document to be placed in the employee's file, the supervisor or appropriate official requesting the signature or initials shall make a note on the document that the employee declines to sign or initial the document. Then the document shall be placed in the employee's file.

#### 1.05 GENERAL PROVISIONS

- a. Conflict of Interest: Employees shall be governed by those conflict of interest rules established by State law and can be disciplined accordingly.
- b. Disclosure Information: Information which is obtained in the course of official duties shall not be released by any City employee other than by those charged with this responsibility as a part of their official duties.
- c. Outside Employment: Civil Service System employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no City employee may engage in outside employment which would interfere or cause of conflict of interest with the City job. Equipment, facilities, vehicles or property of the City shall not be used by employees for any reason other than City business. Notice of Outside Employment shall be given and approved by the Department Head and a copy files with the Human Resources Department. Department Heads, Division Chiefs and equivalent personnel shall request permission for outside employment from the City Manager.
- d. Nepotism Restrictions: No person may be appointed, employed, promoted or advanced to a position in the City over which a relative exercises direct supervision. Exceptions to this policy may be approved only by the express prior approval of the City Manager. Such approval will be given only upon submission of a satisfactory analysis as to the unique qualifications of a relative for the position in question.

For purposes of nepotism, “relative” as used herein means an individual who is related by blood, marriage or adoption as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

- e. Equal Opportunity and Non-Discrimination: There shall be no discrimination exercised based on race, national origin, color, religion, age, creed, sex, political affiliation or handicap with respect to the recruiting and examination of applicants, the hiring of eligibles or in any personnel transactions affecting employees in the Civil Service System; including training, promotion and disciplinary actions. The Human Resources Department shall see that information about job opportunities is readily available to all people and a continuing program shall be conducted to make the equal employment policies known to all potential employees.

#### 1.06 DEFINITIONS

**NOTE:** The masculine pronoun is used here and elsewhere in these rules and regulations in its generic sense to include both males and females and is in no sense intended to discriminate against or give preference to either gender.

Anniversary Date – The date for determining an employee’s eligibility for a pay increase which shall be the date of employment or the date of the last merit pay increase whichever occurs later.

Classification – A group of budgeted positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill and such other characteristics that the same title, the same tests and the same range of compensation may be equitably applied to each.

Classification Plan – A systematic arrangement of Classification titles by pay grade.

Classification (Job) Title – The name listed in the Classification plan which most closely describes the nature of the work performed by an employee and shall be used on all personnel records and actions.

Continuous Service – Means employment in the Civil Service System which is uninterrupted, except for authorized leaves of absence, suspension or separation due to reduction in work force. Time lost due to leaves of absence (includes authorized leaves of absence over thirty (30) days), suspension or reduction of work force shall not be included in the determination of length of continuous service. Authorized paid leave shall be included as a part of continuous service.

Demotion – The action either voluntary or involuntary which changes the employee's classification title with the result that he is placed in a classification which has a lower pay range.

Eligibility List – An employment list, promotional list or reemployment list.

Emergency Appointment – An employee appointed during an emergency which makes it impossible to fill a position by normal Civil Service System procedures. The appointment shall only be during the period of emergency.

Exempt Position – This means all employees and positions designated as being exempt from the Civil Service Ordinances including part-time, temporary, provisional and emergency appointments.

Incumbent – The permanent employee occupying a position.

Job Description – The written description of the essential characteristics of the classification and the factors and conditions that separate it from other classifications. The description is written in terms of duties, responsibilities, illustrative examples of work and the qualifications needed to perform the work.

Lateral Transfer – Reassignment of an employee to a different department, division, or class without changing his Pay Grade or anniversary date.

Layoff – A reduction in the number of employees due to a change in or lack of work, funds or other causes not pertaining to employee performance.

Merit Advancement – An increase in the pay step within a pay range based on an employee's job performance and his evaluation.

Part-Time Appointment – Employment in a position that requires the employee to work fewer hours than the regular work week for other in the same classification. The employee shall serve in an exempt status.

Pay Grade – The number assigned to a particular pay range.

Pay Plan – A document setting forth the various pay grades and their ranges. This is directly related to the classification plan and consists of a salary schedule showing pay grades or ranges. A particular pay plan may contain pay steps within grades and the compensation attaches to each pay step. Others may contain pay grades with open salary ranges.

Pay Rate – Base hourly earnings of an employee.

Pay Step – Pay increments within a Pay Grade through which an employee may progress with length of service and satisfactory evaluations.

Performance Evaluation – A periodic report relative to the conduct and job productivity of probationary and permanent employees written by the appropriate supervisor.

Permanent Employee – A regular, full-time employee who has passed the probationary period.

Probationary Employee – All regular, full-time, new employees and newly promoted employees must serve a six months probationary period from the effective date of their appointment or promotion, except Fire employees who are required to serve a one (1) year probationary period. Probationary employees do not have the appeal and Civil Service System rights that permanent employees have.

Promotion – The act of advancing an employee to a higher pay grade and job classification based on favorable work performance and qualifications for the classification title.

Reclassification – The act of changing the Pay Grade of a classification.

Regular, Full-time Employee – A person hired to fill a budgeted position of thirty-five hours or more and who is eligible to receive all City benefits.

Resignation – Act of voluntarily withdrawing from City employment.

Step – See pay step.

Suspension – A penalty of leave without pay for an employee for a disciplinary purpose or for other just cause.

Temporary Employee – A person hired for a special project/work of a transitory or seasonal nature or such other purpose as approved by the City Manager for an indefinite period of time. Such an employee does not receive all City benefits.

Termination – The act of discharging an employee from employment by the City for inefficiency, poor work performance, disciplinary matters or other related actions.

## ARTICLE II

### PAY AND CLASSIFICATION PLAN

#### 2.01 PAY AND CLASSIFICATION PLAN ADMINISTRATION

The City Manager shall be responsible for, but may delegate, the administration of the Pay and Classification Plans. This includes, but is not limited to, the processing of salary advancements and promotions, determination of proper salary rates within existing ordinances and budgetary provisions and a periodic review of the Plans to insure the City's salary rates are competitive with comparable positions in other municipalities and agencies. This review shall use appropriate procedures deemed proper by the City Manager.

In the interest of efficient and responsive management, the City manager may approve individual reclassifications and salary adjustments during the budget year if the following conditions are met:

- a. The reclassification or salary adjustment is within the budget allocation of the salary accounts affected.
- b. The adjustment is to correct an inequity in job duties versus pay rate or improves the organizational efficiency of the particular budget unit.

These conditions must be certified as existing before the reclassification or salary adjustment is made.

The City Manager shall implement the necessary administrative regulations to insure proper administration of the Pay and Classification Plans. Questions of interpretation of the administrative regulations shall rest finally with the City Manager. The administrative regulations and their interpretation shall not conflict with these Personnel Rules and Regulations or any existing City ordinances.

The purpose of the Pay and Classification Plans is to provide an orderly inventory and appraisal of positions in the Civil Service System so that the following ends may be attained:

- a. Equality of pay on the basis of substantially similar duties and responsibilities.
- b. Proper pay differences between positions which differ materially in duties and responsibilities.
- c. Improved recruiting through appropriate definitions of positions and the establishment of reasonable standards of fitness for entrance to or promotion within the service.

- d. Orderly control of personnel changes affecting employees, such as transfers, promotions, demotions, leave of absence and other personnel status changes.

## 2.02 THE CLASSIFICATION PLAN

- a. Content and Use: The Classification Plan shall group positions into classes on the basis of approximately equal difficulty and responsibility which require the same general qualifications and can be equitably compensated within the same range of pay. The Classification Plan and the resulting job classifications listed will be used as a basis for promotion, determining qualifications, developing employee training programs, uniform terminology of jobs and preparation of examinations.
- b. Job Classifications Interpreted: The job classifications or specifications for the various classes of positions in the City shall have the following force and effect:
  - 1) They are descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to duties, qualifications or attributes shall not be held to exclude others not mentioned if such others are similar in substance.
  - 2) In determining the classification or allocation of a given position, the specifications shall be considered as a whole. Consideration shall be given to the general duties, specific examples, responsibilities, desirable entrance qualifications and relationship to other classes as according an inclusive picture of the employment the class is intended to embrace.
  - 3) The statement of duties is not intended to prescribe what specific duties shall attach to a given position nor to limit the discretion of department director to modify or alter detailed tasks involved in the duties of any position. When a substantial change in duties is made, except for a temporary period or by the addition of duties which are incidental to the main employment, such changes shall be reported to the Human Resources Department with a view to reclassification of the position. The fact that the actual tasks performed do not appear in the specifications shall not imply that the position is necessarily excluded from the class, provided that the tasks constituting the main work are duly covered.

Similarly, examples cited as statements of typical duties and qualifications required shall not be construed as finally determining whether a position shall be included within the classification. Although they may not be mentioned in the specifications, certain qualifications which properly apply to practically all positions, such as suitable age, sobriety and proper work attitude are taken for granted.



- c. Implementation: All positions in the Civil Service System shall be included among the classification divisions in the classification plan and periodic reviews of all classes shall be made.
- d. Position Audit Procedure: The Human Resources Department shall be responsible for initiating position audits of any and all Civil Service System positions at any time. In addition, if a Department Head or Division Chief has facts which indicate that a position or positions in the department or division are improperly allocated or classified, the supervisor may request the Human Resources Department to review the classification of the position. Final determination on questions of allocation shall be by the City Manager upon recommendation from the Human Resources Department within the budget constraints of that department. The Human Resources Department may propose new or revised classes of work as well as the abolition of existing or obsolete classes. Position information will be gained through job analysis of the position with the employee(s) occupying the position, the supervisor of the position and through field studies of the position by the Human Resources Department.

### 2.03 THE PAY PLANS

- a. Content and Use: The Pay Plans are directly related to the Classification Plan and shall provide the basis for compensation for employees in the Civil Service System. They consist of salary schedules showing pay grades while the Classification Plan lists the assignment of each job classification to a grade in the salary schedule.
- b. New Employment: An original appointment to a position shall be at the first step rate with advancement from this step to the maximum step rate being in successive time graduations. The City Manager may approve initial compensation at a higher step when conditions justify within budget allocations.
- c. Salary Adjustments: Salary increases within the established range shall be dependent upon recommendation of the Department Head and Human Resources Department with approval of the City Manager. The City Manager must approve all salary increases. No salary increases shall be granted about the maximum rate fixed for the classification concerned.

- 1) Promotion Salary Rate: In any case where an employee is promoted to a higher grade, and job classification, the starting rate shall be a minimum of 5% over the salary received prior to the promotion in accordance with the Pay Plan grades and steps with the recommendation of the Department Head and approval of the City Manager. A promotion does not change an employee's anniversary date for pay purposes, but does institute a new probationary period in accordance with Civil Service System regulations. The newly promoted employee's eligibility for merit advancement is determined by what step the employee is in and the minimum time period required in that step before the employee is eligible for a merit advancement. The minimum time period required in a step is calculated from the date of the last merit advancement.
- 2) Demotion Salary Rate: Upon demotion, if the employee's rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the Department Head and subject to the approval of the Human Resources Department. The action of demotion shall not change the anniversary date for the purpose of future salary consideration. In no case shall an employee be paid less than the employee would have received had he remained in the lower pay grade prior to promotion.
- 3) Reclassification or Reallocation Upward: An employee whose position is reclassified to a higher classification or pay grade may receive a minimum of 5% over the salary received prior to the reclassification provided that such salary increase is in the best interests of the City as determined by the City Manager. A reclassification upward does not change an employee's anniversary date for pay purposes. The newly reclassified employee's eligibility for merit advancement is determined by what step the employee is in and that minimum time period required in that step before the employee is eligible for a merit advancement. The minimum time period required in a step is calculated from the date of the last merit advancement.
- 4) Reclassification of Reallocation Downward: An employee whose position is reclassified to a lower classification and pay grade shall be permitted to continue at the present rate of pay and receive merit increases to the maximum step of the lower grade. An employee reclassified to a lower grade will be given first priority for position openings equivalent to his former pay grade if the employee is qualified and has had satisfactory evaluations. A reclassification does not change an employee's anniversary date for pay purposes.

- 5) Merit Advancement Within the Salary Schedule: An employee becomes eligible for consideration for advancement when the minimum service requirement has been met. When an employee is promoted, reclassified or demoted into a step which has a different minimum service requirement than the employee's previous step, the date for the employee to be considered for the next merit increase will change accordingly. For example, if an employee is promoted from a one year step into a six month step within six months of his anniversary date, the date for the employee to be considered for the next merit increase will be six months after his anniversary date as shown below.

<u>Date of Increase</u>	<u>Action</u>	<u>Grade and Step</u>
01/01/91	Merit Increase	54-B
03/01/91	Promotion	58-A
07/01/91	Merit Increase	58-B

If this same employee is promoted to an A step more than six months after his anniversary date, the date for him to be considered for the next merit increases will be one year after his anniversary date as shown below.

<u>Date of Increase</u>	<u>Action</u>	<u>Grade and Step</u>
1/01/91	Merit Increase	54-B
08/01/91	Promotion	58-A
01/01/92	Merit Increase	58-B

If an employee is reclassified from a six-month step to a one-year step, the date for the employee to be considered for the next merit increase will be one year after his anniversary date.

06/01/90	Hired	24-A
10/01/90	Reclassified	54-B
06/01/91	Merit Increase	54-C

An employee shall be reviewed by the Department Head or supervisor prior to the eligibility date. All salary increases shall be based upon merit and, if a merit increase is recommended by the City Manager, the employee shall be advanced to the next step within the same pay grade or, if in a pay grade without steps, shall receive a pay increase in accordance with his merit.

The City Manager shall have the authority to grant step increases for exceptional performance. This would also be considered a merit increase and shall not change an employee's anniversary date for pay purposes. This type increase may only be approved within the overall budget allocations for Personnel Services.

Except for the conditions set forth in the paragraph above, employees will be eligible for merit increases after serving the minimum time periods in the Pay Plan. Merit increases are not automatic and shall be based upon evaluations by Department Heads and supervisors, absenteeism and work performance. All employees shall receive an annual evaluation on their anniversary date whether they are eligible for a merit increase or not. In denying a merit increase, a Department Head shall recommend the minimum of time to elapse before the employee is eligible to be considered again. An employee's anniversary date for subsequent merit increases will be based on the effective date of his previous merit increase, not on the date he was originally eligible to receive it.

- d. Longevity Allowances: Longevity allowances shall be awarded to permanent, full-time employees. Longevity allowances shall be awarded in the following manner as long as the stipulations stated above have been complied with:

After completion of five (5) years' continuous service – 2% of annual salary

After completion of ten (10) years' continuous service – 4% of annual salary

After completion of fifteen (15) years' continuous service – 6% of annual salary

After completion of twenty (20) years' continuous service – 8% of annual salary

These longevity allowances shall be paid to the employee by adding same to the regular paycheck of the employee.

- e. Acting or Temporary Assignments: All acting or temporary assignments involving duties and responsibilities of a classification which has a higher pay grade than the employee's regular classification shall be approved by the City Manager before becoming effective. An employee who is temporarily assigned the duties and responsibilities of a classification shall be compensated at a rate commensurate with the responsibilities assumed in the higher classification after serving at least two weeks in the temporary assignment or as otherwise specified in union contracts. In no

case shall the temporary adjustment be less than 5%. This provision does not include temporary time due to an employee on scheduled leave. At the conclusion of the assignment, the employee's pay shall revert to the authorized rate established for the regular classification. Any such temporary increase granted shall not affect the employee's eligibility for normal merit advancements on the anniversary date.

Should an employee be required to perform duties in a classification higher than that which such employee holds on a permanent basis, such employee shall not be required to continue such duties for a period longer than 180 calendar days without permanent advancement to the classification, except in cases of extended illness or other emergencies as determined by the City Manager.

- f. Lateral Transfers: Transfers may include a change of title, but shall not change an employee's pay anniversary date. Such transfers shall only be made with the approval of the Human Resources Department and such requests shall show how the employee concerned meets the qualifications and requirements of the classification to which the transfer is proposed.
- g. Pay Period, Hours of Work and Overtime: All pay will be based on the existing work week in accordance with the Fair Labor Standards Act. The City Manager shall establish the business hours of all departments, and the work days of employees shall be governed by departmental rules and regulations implementing such business hours.

Overtime pay may be given only for authorized or directed overtime subject to budget limitations and approval of the City Manager. The choice of whether to grant overtime payments or compensatory time rests solely with management and depends on the most efficient and economical delivery of services. Overtime shall be paid for hours worked over regular hours in a work week. Authorized and approved overtime shall be at the rate of one and half times the employee's regular wage rate. An employee eligible for overtime may be granted compensatory time off, in lieu of overtime payments, at the rate of one and half hours off work for each hour of overtime. This policy in no way restricts Department Heads for rescheduling work hours prior to overtime being necessary in order to meet additional workloads. Department Heads shall not allow the accumulation of more compensatory hours than are contained in a normal work week.

Personal leave hours, sick hours, and vacation hours shall be added to actual hours worked to determine hours worked for the purpose of calculating overtime. All other hours taken as leave with or without pay such as holiday hours and funeral leave hours shall not be counted as hours worked.

The Pay and Classification Plans shall indicate classifications which are not eligible for overtime payments. Employees in such classifications are expected to work the necessary number of hours to complete their job assignments and provide competent supervision and are eligible for compensatory time off with permission of the appropriate Department Head of the City Manager depending on the “management” level of the employee.

- h. Budget Limitations: All actions concerned with the payment of salaries in accordance with these Personnel Rules and Regulations are to be governed and limited by the availability of budgeted funds. The City Manager shall be authorized to limit the filling of vacancies in order to reduce expenditures when necessary.

## ARTICLE III

### APPLICATIONS AND EXAMINATIONS

#### 3.01 POSITION AND EXAMINATION ANNOUNCEMENTS

Position and examination announcements for entry into the Civil Service System of Deerfield Beach shall be publicized by public announcement and, when applicable, by advertisement in appropriate publications and, finally, by posting such announcements in public places. Announcements shall specify the classification Title, salary range. The time, place and manner of making application, basic qualifications, including those required for admission to the written and/or oral tests and any other pertinent information.

#### 3.02 FILING OF APPLICATIONS

All applicants for appointment or promotion in the Civil Service System shall file a written application and, when required, on a form prescribed by the Human Resources Department. Any application not completely filled out may be rejected by the Human Resources Department.

#### 3.03 REJECTION OF APPLICATION

The City may, for failure to meet minimum qualifications as stated on the job posting, failure to complete the application form or for other cause, reject an application prior to the test for which it is filed or, in the case of application for on-the-job performance positions, as soon as possible after such application is filed and checked. Whenever an application is rejected, the applicant shall have an opportunity to show why the application should not be rejected upon written request. Final determination of the rejection will rest with the Civil Service Boards or their designated agent.

#### 3.04 EXAMINATION DIVISIONS

The job classifications shall be divided into three examination divisions depending on City requirements, availability of applicants, affirmative action goals and unique requirements of particular classifications. Placement of classifications in the respective divisions are:

- a. Competitive Division: This division shall include all positions now existing or hereafter created for which it is practicable to determine the merit, fitness and aptitude of the applicants by competitive assembled or unassembled tests; either original entrance or promotional tests.
- b. Professional Division: This division includes those positions which require peculiar and exceptional qualifications of a scientific, managerial, professional or educational character for which it is practicable to determine the relative qualifications of individual candidates and to establish an eligible list without the necessity of an assembled competitive examination.

- c. Labor Divisions: This includes those positions in the labor classifications (unskilled and semi-skilled) for which it is impracticable to hold competitive assembled tests, but which are filled from a list of applicants registered by the Human Resources Department. Applicants for positions in the Labor Division shall be required to furnish such evidence or take such tests as may be deemed proper with respect to physical condition, industry, capacity, experience and character.

### 3.05 CONTENT OF EXAMINATIONS

All appointments to the Civil Service System shall be made according to merit and fitness. Examinations may be assembled or unassembled. Examinations may consist of any, all or a combination of the following tests designed to test fairly and impartially the relative qualifications of applications to discharge the duties of the class in which they seek appointment.

- a. Written Test
- b. Oral Test
- c. Performance Test
- d. Physical, Medical and Psychological Tests
- e. Evaluation of Training and Experience
- f. Seniority
- g. Any other applicable criteria which will fairly measure the relative abilities of individuals competing in examination

The City and the Civil Service Boards shall be responsible for: (1) establishing procedures to insure fair and impartial evaluation and testing; (2) determining whether the examination will be competitive or professional in nature; and (3) determining the content of any examination and the order of weights to be assigned to any portion of the examination.

### 3.06 ELIGIBILITY FOR EXAMINATION

Resident requirements such as location and/or distance from work shall be governed by the “quick response” requirements of a particular job classification and shall be determined by the Department Head in conjunction with the City Manager.

### 3.07 GENERAL PROVISIONS

The present requirements and procedures of the City’s respective Civil Service Boards will continue for the examination process subject to periodic changes recommended by the Boards and approved by the City Commission.



- a. Veteran's Preference: Preference in employment shall be given to veterans in accordance with the provisions of Chapter 295, Florida Statutes.
- b. Medical Examinations: All applicants for positions in the City service may be required to undergo a medical examination to determine mental and physical fitness to perform the duties of the classification for which appointment has been offered. All applicants who fail to pass their initial physical examination shall be declared ineligible for hire.

All employees of the Civil Service System during their period of employment may be required to undergo periodic medical examinations to determine their physical and mental capacity to perform the work required of their position. Such exams shall be at the expense of the City and performed by a doctor designated by the City. Employees who fail to pass periodic physical examinations due to deficiencies which interfere with their ability to perform their assigned duties shall be subject to review by the City and/or Civil Service Board. Refusal to be examined by a City authorized physician when so directed by a Department Head shall be cause for disciplinary action.

- c. Age Requirements: Except for special employment programs, no person under eighteen (18) years of age shall be employed in any regular, full-time position. The requirement stated above is subject to change only when in conflict with state and federal laws governing age discrimination.

### 3.08 TYPES OF EXAMINATIONS

The following types of examinations shall be subject to the guidelines and rules of the Civil Service Boards or their designated agent.

- a. Open Competitive Examinations: Any examination in which competition is open to any person meeting the announced requirements for admission to the examination. Any person who competes in or is disqualified from an open competitive examination for a particular class is eligible to compete in another examination for the same class at the next regularly scheduled date for the exam.
- b. Promotional Examinations: The City may conduct promotional examinations as deemed necessary in order to fill existing or anticipated vacancies in the Civil Service System. Vacancies in higher positions in the Competitive Division shall be filled by promotion from lower classes. Eligibility to compete in a promotional examination

is limited to those persons who have satisfactorily completed their initial employment probationary period, a required period of service as determined by the City, and are in a class which the City has declared to be among those from which promotion can be made. An eligible class will be one in which employees will have gained experience which will be qualifying for the higher position. Competition in promotional examinations may be limited to employees in a specific department if that is determined as affording appropriate competition. The City may open promotional examinations to all qualified persons depending on available qualified personnel, uniqueness of position qualifications, affirmative action goals and other related reasons. All promotional examinations shall be publicized in advance of the examination by posting announcements on appropriate bulletin boards. All announcements will be furnished to the department affected.

- c. Unassembled Examinations: Whenever the Human Resources Department determines that because of the nature of the positions or that possible applicants are not available in sufficient numbers to justify holding assembled examinations, examinations for such classes may be conducted on an unassembled basis. The Human Resources Department may determine that instead of numerical ratings, particularly when oral tests and personal investigations are used, eligibles will be assigned adjective ratings.
- d. Unskilled and Semi-Skilled Positions: Unskilled and semi-skilled positions may be filled after such tests of fitness as the Human Resources Department may prescribe, including reference checks, training, experience and oral interviews.

### 3.09 FIRE/RESCUE DEPARTMENT RECRUITMENT AND PROMOTION

To be eligible for entry level employment as a Firefighter/EMT, a person shall be no less than eighteen (18) years of age and meet the minimum requirements of employment set forth by the State of Florida Firefighters Standards Council and other agencies setting minimum standards that have jurisdiction.

Employees of the Fire/Rescue Department shall be eligible to take competitive promotional examinations for a higher position after satisfactory completion of five (5) or more years of consecutive service and attainment of the designation of Firefighter 1<sup>st</sup> Class.

Positions in the Fire Department between the grade of Firefighter 1<sup>st</sup> Class and the grade of Lieutenant are to be considered competitive positions in terms of examinations, but not a separate rank from a Firefighter. These positions may be established to allow remuneration for

responsibilities incurred in these positions beyond the duties of Firefighter. Duties and responsibilities of these positions may be described by departmental rules and regulations or by special orders of the Fire Chief but with the understanding that the Fire Chief can require these duties to be performed by regular Firefighters as a part of their training on a temporary basis.

It is not necessary that any of these positions be attained by a Firefighter in order to be eligible to take the Lieutenant's examination. The only requirement is satisfactory completion of five (5) or more years' service.

In the instance of a promotional examination above the rank of Lieutenant, the officer shall have completed three (3) or more years of satisfactory service in the next lower grade. Grades are classified in the following order from lowest to highest: Firefighter, Lieutenant, Captain, Battalion Chief, Division Chief, Deputy Chief and the Chief of the Department.

All examinations shall be conducted and governed by the rules and procedures of the Civil Service Board on a fair and impartial basis. Examinations may be drafted or administered by a qualified testing agency subject to the approval of the Civil Service Board.

### 3.10 ENTRANCE AND PROMOTIONAL EXAMINATION PROCEDURES

#### a. Pre-employment Eligibility List

- 1) Applicants for employment as a Firefighter/EMT shall have completed and filed with the City, in a timely manner, an application for employment.
- 2) Applicant shall be no less than eighteen (18) years of age and meet the minimum requirements of employment set forth by the State of Florida Firefighters Standards Council and other agencies setting minimum standards that have jurisdiction.
- 3) Applicant shall attain a passing score (70% or above) on written test.
- 4) Applicant shall successfully complete a physical agility screening.
- 5) All successful applicants shall be placed on an eligibility list and ranked according to over-all qualifications.
- 6) Eligibility list is to be maintained for a one (1) year period or adjusted at the direction of the Civil Service Board.

b. Promotions/Assignments

- 1) All examinations shall be conducted and graded by the Uniform Civil Service Board on a fair and impartial basis.
- 2) All promotions will be based on the most eligible candidate as shown by the Board's examination unless a candidate is physically disabled to perform the duties of the position and is not expected to be able to physically perform these duties in the foreseeable future.
- 3) All promotional examinations must be on a competitive basis, that is two (2) or more eligible candidates will compete.
- 4) Notice of the exam shall be given at least thirty (30) days prior to the exam.
- 5) Study material, if available, will be provided.
- 6) Where applicable, an Oral Board shall consist of three (3) Fire Service personnel from other Fire Departments. The rank of the Oral Board member shall be at least one (1) rank higher than the tested for the position.

c. Evaluations

- 1) Evaluations will be conducted as required.
- 2) Evaluations, when required, will be completed by:
  - a) Staff officers (excluding the Fire Chief),
  - b) All shift officers.
- 3) Evaluations will be turned into the Deputy Chief fourteen (14) days prior to the exam.
- 4) Evaluations will be transformed into a numerical correlation and weighted appropriately.
- 5) A sealed copy of the evaluations and the numerical correlation will be given to the Human Resources Director 24 hours prior to the exam.

d. Longevity Points (maximum attainable, five (5) points)

- 1) Longevity points shall be awarded for service time with this Department, starting from the date of the written test.
- 2) For each year of service, individuals shall earn ½ (.5) points with a maximum of five (5) points being attainable.

e. Education Points (maximum attainable, ten (10) points)

- 1) Education points may be earned and shall be awarded for the following:
  - a) Fire Science class at an approved, accredited institution, with a C or better grade, and/or Fire Science course at the National, State or local Fire Academy of a minimum 40 hour duration. Each class/course shall be awarded .6363 points with a maximum attainable of seven (7) points.
  - b) Fire Science Certificate from an approved, accredited institution shall be awarded one (1) point.
  - c) Associate Degree: This type of degree subject to Fire Chief's approval, from an approved, accredited institution shall be awarded two (2) points.
  - d) Bachelor's Degree: This type of degree subject to Fire Chief's approval from an approved, accredited institution shall be awarded three (3) points.
  - e) Degree points will be awarded for the highest degree attained.
- 2) It shall be the individual's responsibility to request education points and provide suitable documentation of same at least thirty (30) days prior to the date of the written test to the office of Chief of Fire/Rescue.
- 3) Education Points shall be added to the composite score attained from weighted components.
- 4) Education Points attained after date of written test or within thirty (30) days prior to this fate shall not be awarded at that time.

f. Selection Rule

- 1) Once an eligibility list is established, all candidates on the list shall be considered eligible for advancement.
- 2) As vacancies occur, the Chief of the Department shall be furnished by the Civil Service Board as to the first three candidates' names, as well as their scores.
- 3) The Chief of the Department, utilizing the selection rule criteria referred to as the Rule of Three, shall appoint the most qualified candidate. Any candidate who was ranked above the appointed candidate shall be counseled accordingly.

- 4) If more than one promotion is to be made for a given rank, one promotion at a time shall be completed. For example, when two vacancies occur for a given rank, the Chief of Fire/Rescue shall make his selection from the top three candidates from the promotional standing list. Once selection has been made to fill the first vacancy, the Chief of Fire/Rescue shall be given three more qualified candidates from the promotional standing list, to not include the two applicants that were previously not chosen.

g. Driver/Engineer Qualifications (assignment)

- 1) To be eligible to compete for the assignment of Driver/Engineer, candidate shall have completed three (3) or more years of uniform service with this Department.
- 2) Candidate shall possess a valid State of Florida Chauffer's license, and maintain the same.
- 3) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.
- 4) Candidate shall have successfully completed an approved Apparatus Procedures Course and a Fire Service Hydraulics Course, prior to sitting for the exam.
- 5) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	50%
Practical Test	35%
Evaluation	10%
Longevity	5%
Education points to be added to final composite score (maximum of 10 points)	

- 6) Candidate must attain a passing score (70% or above) on written test.

h. Rescue/Supervisor Qualifications (assignment)

- 1) To be eligible to compete for the assignment of Rescue/Supervisor, candidate shall have completed three (3) or more years of uniform service with this Department, with at least the previous 12 months as a State of Florida Certified Paramedic.

- 2) Candidate shall possess a valid State of Florida Chauffeur's license, and maintain the same.
- 3) Candidate shall possess a valid State of Florida Paramedic Certification and maintain the same.
- 4) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	60%
Practical Test	25%
Evaluation	10%
Longevity	5%
Education Points to be added to final composite score (maximum of 10 points)	

- 5) Candidate must attain a passing score (70% or above) on written test

i. Technical Fire Inspector (assignment)

- 1) To be eligible to compete for the assignment of Technical Fire Inspector, candidate shall have completed three (3) or more years of uniform service with this Department.
- 2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.
- 3) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	60%
Practical Test	10%
Evaluation	25%
Longevity	5%
Education Points to be added to final composite score (maximum of 10 points)	

- 4) Candidate must attain a passing score (70% or above) on written test
- 5) Successful candidate shall attain appropriate Broward County and State of Florida Fire Inspector Certification within one (1) year of appointment and maintain the same.

j. Lieutenant Qualifications (promotion)

- 1) To be eligible to compete for the rank of Lieutenant, candidate shall have completed five (5) or more years of uniform service with this Department.
- 2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.
- 3) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	55%
Oral Board	10%
Evaluation	30%
Longevity	5%
Education Points to be added to final composite score (maximum of 10 points)	

- 4) Candidate must attain a passing score (70% or above) on written test.

k. Captain Qualifications (promotion)

- 1) To be eligible to compete for the rank of Captain, candidate shall have completed three (3) or more years of uniform service with this Department as a Lieutenant.
- 2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.
- 3) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	55%
Oral Board	10%
Evaluation	30%
Longevity	5%
Education Points to be added to final composite score (maximum 10 points)	

- 4) Candidate must attain a passing score (70% or above) on written test.

l. Battalion Chief Qualifications (promotion)

- 1) To be eligible to compete for the assignment of Battalion Chief, candidate shall have completed three (3) or more years of uniform service with this Department as a Captain.



2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.

3) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	55%
Oral Board	10%
Evaluation	30%
Longevity	5%
Education Points to be added to final composite score (maximum of 10 points)	

4) Candidate must attain a passing score (70% or above) on written test

m. Division Chief Qualifications (promotion)

1) To be eligible for the appointment by the Chief of the Department to the rank of Division Chief, the candidate shall have completed one (1) or more years of uniform service with this Department as a Battalion Chief and have satisfactorily completed his probationary period.

2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.

3) If promotion to the rank of Division Chief from the rank of Battalion Chief cannot be made, the position shall be filled by competitive process from the next lower grade.

4) Competitive examination shall consist of the following components with weight of each as indicated:

Written Test	55%
Oral Board	10%
Evaluation	30%
Longevity	5%
Education Points to be added to final composite score (maximum of 10 points)	

5) Candidate must attain a passing grade (70% or above) on written test.

n. Deputy Chief Qualifications (promotion)

1) To be eligible for the appointment by the Chief of the Department to the rank of Deputy Chief, the candidate shall have completed one (1) or more years of

uniform service with this Department as a Chief Officer and have satisfactorily completed his probationary period.

- 2) Candidate shall possess either a valid State of Florida EMT Certification or Paramedic Certification and maintain the same.
- 3) If promotion to the rank of Deputy Chief from the rank of Chief Officer cannot be made, the position shall be filled by appointment process from the next lower grade.

Effective Dates

Pre-Employment Eligibility List	Immediately
Promotions/Assignments	Immediately
Evaluations	Immediately
Longevity Points	(see position dates)
Education Points	(see position dates)
Selection Rule	Immediately
Driver/Engineer	July 1, 1991
Rescue/Supervisor	July 1, 1991
Technical Fire Inspector	July 1, 1991
Lieutenant	July 1, 1991
Captain	July 1, 1991
Battalion Chief	July 1, 1991
Division Chief	Immediately
Deputy Chief	Immediately
Chief of Department	Immediately

These dates will be suggested for all currently employed members of the Deerfield Beach Fire-Rescue Department.

All new members (those hired after July 1, 1989) will be subject to the rules of this document, relating to all subject matter.

## ARTICLE IV

### ELIGIBILITY, CERTIFICATION, APPOINTMENTS AND PROBATION

#### 4.01 ELIGIBILITY AND CERTIFICATION

This section shall be governed by the rules and procedures of the Civil Service Boards and the appropriate administrative regulations instituted to insure compliance with those rules and procedures.

- a. Department Requisition: Whenever a budgeted vacancy is to be filled in the Civil Service System other than by transfer, demotion or promotion, the Department Head shall make a request to the Human Resources Department on the form and in the manner prescribed. Whenever possible, the Department Head shall make such request two (2) weeks in advance of the time the new employee is needed, and, in any case, as soon as possible.
- b. Certification of Personnel: If eligibility lists exist for the position requested, the appropriate number of names shall be certified to the Department Head from the appropriate lists. For positions in which examinations are based on oral interviews, experience and training, eligibles having the same adjective rating or meeting the equivalent minimum requirements may be certified.
- c. Rejection of Certification by Department Head: When the number of names available for filling any vacancy is fewer than three, the Department Head may decline certification and request that a new list be established. The Department Head may also request a new list of eligibles. The Human Resources Department and/or Civil Service Board shall disapprove such requests for additional eligibility lists when it appears the request is being made to circumvent the spirit and intent of the Civil Service System.
- d. Eligibility Lists: The appropriate lists shall be established and maintained according to the rules and procedures of the Civil Service Boards and the Human Resources Department. Final approval of all employment is subject to the City Manager's approval.

#### 4.02 APPOINTMENTS

The following rules deal with those types of appointments other than probationary appointments and promotional appointments (covered in other sections of the Personnel Rules and Regulations).

- a. Provisional Appointments: Whenever there are urgent reasons for filling a regular budgeted position in a class for which appropriate eligibles are not then available, the

City Manager may authorize the vacancy to be filled by a provisional appointment. In no event shall the provisional appointment continue for more than one hundred and eighty (180) calendar days in any twelve (12) month period. Any such appointee shall meet the educational, experience and related requirements established for the position. This appointment shall not confer any rights of status, appeal or related rights set forth under the Civil Service Ordinance or these rules since this is a “temporary” or “activity” appointment which is exempt from the Civil Service Ordinance.

- b. Emergency Appointments: When an emergency exists which makes it impossible to fill a position in the Civil Service System by normal procedures, the City Manager may appoint or authorize the appointment of any qualified person to the position needed. An emergency appointment would be necessary in order to prevent stoppage or loss of public business and/or serious inconvenience to the public. Any such person shall be employed only during the period of such emergency. A vacancy of which a Department Head has had a reasonable notice or an employment condition of which the Department Head had previous knowledge shall not be considered an emergency under this section. A person hired under this provision shall not become a permanent employee unless the person meets the eligibility requirements of the Civil Service System.
- c. Part-Time Appointments: This involves an appointment to a position that requires the employee to work fewer hours than the regular work week for others in similar classifications. Part-time employees are in an exempt status and shall not be eligible for any benefits or appeal rights awarded permanent employees except their classification pay rate and those benefits the City is required to provide by local, state and/or federal law. Part-time employees shall be governed by the requirements set by the Human Resources Department.
- d. Temporary Appointments: This is an appointment for a special project or work of a temporary nature for an indefinite period of time. This would include employees whose positions are funded in whole or part by federal and/or state grants and contractual employees among others. All eligibles for such employment shall serve in exempt status and meet the requirements and regulations of the Human Resources Department.
- e. Nepotism Restrictions: No individual shall hereafter be hired or placed as a regular, full-time employee who is the relative of a City employee or City official without the express prior approval of the City Manager. Such approval will be given only upon submission of a satisfactory analysis as to the unique qualifications of a relative for the position in question.

“Relative” as used herein means an individual who is related by blood, marriage or adoption as father, mother, son, daughter, brother, sister, grandparent, grandchild, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

#### 4.03 PROBATION

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee’s work, for securing the most effective adjustment and training for a new employee and for rejecting any employee whose performance or conduct is not satisfactory. It shall be incumbent upon Department Heads to screen employees during the probationary period to insure only those employees performing satisfactorily become permanent, regular employees.

The probationary period is six (6) continuous months for all employees, except Fire Department employees who serve a twelve (12) month probationary period. The City Manager may extend the probationary period for up to six additional months. During this period, employees shall not be considered a part of the Civil Service System, shall not be entitled to any rights of appeal under the Civil Service System and shall be subject to demotion, dismissal or suspension, or other disciplinary action without prior notice or the filing of specific charges.

A probationary period shall be used in connection with promotions in the same manner as a probationary period is used for original entrance appointments. The promotional probationary period shall be for the same purpose, cover the same period of time and be governed by the same rules as the entrance probationary period.

However, employees promoted to a higher classification shall have Civil Service System rights to their former position as outlined by the Civil Service Ordinances. All positions filled as a result of a promotion shall be filled subject to the promoted employee’s ability to pass the promotional probationary period. Personnel hired or promoted into the lower classification from which the employee is promoted shall not be considered permanent until the promoted employee they are replacing is made permanent in the higher classification.

Prior to the expiration of an employee’s probationary period, the Department Head shall notify the Human Resources Director in writing on the appropriate form whether or not the employee has performed satisfactorily during the probationary period and recommend the appropriate action to be taken.

## ARTICLE V

### PROMOTIONS, TRANSFERS AND DEMOTIONS

#### 5.01 PROMOTIONS

The movement of an employee involving the change from a position in one classification to a position in another classification for which the maximum rate of compensation is higher shall be considered a promotion and shall only be made as a result of tests, evaluation of job qualifications or other standards showing the employee is qualified for the higher classification. All promotions shall be approved by the City Manager.

#### 5.02 LATERAL TRANSFERS

Lateral transfers, which may include a change in classification or title, but does not change an employee's pay rate or anniversary date, may be accomplished in two methods:

- a. Within Same Budget Account: A Department Head, with the approval of the Human Resources Department, may transfer an employee from one position to another in the same budget account.
- b. Between Budget Accounts or Departments: A transfer between budget accounts or between departments shall have approval of the City Manager and the Department Heads concerned. Requests for such transfers shall show how the employee(s) concerned meet the qualification requirements of the class to which the transfer is proposed and shall be in the budget allocation of the salary accounts affected.

#### 5.03 DEMOTIONS

The movement of an employee from one classification to another classification for which the maximum rate of compensation is lower shall be considered a demotion.

- a. Involuntary Demotion: A Department Head, with the approval of the City Manager, may demote an employee whose ability to perform his duties falls below accepted standards for the position or for disciplinary purposes. No employee shall be demoted to a position for which he does not possess the minimum qualifications.
- b. Voluntary Demotion: An employee, with the approval of the Department Head and the City Manager, may voluntarily request a demotion to a job classification for which the employee is qualified. Such demotion may be granted provided a vacancy exists in the requested job classification. A voluntary demotion shall not take effect earlier than ten (10) working days from the request.

ARTICLE VI  
SEPARATIONS

6.01 RESIGNATIONS

Any employee wishing to leave the City in good standing shall file with the Department Head at least fourteen (14) calendar days before leaving, a written resignation stating the date and time the resignation shall become effective and the reason for leaving. Failure to comply with these procedures may be the cause for an unsatisfactory reference, loss of sick pay conversion and denying the person future employment with the City. Department Heads shall forward all resignations immediately to the Human Resources Department. The Department Head, with the approval of the Human Resources Department, may exempt an employee from giving the required notice, if, in the Department Head's judgment, circumstances warrant such exemption. Failure to give notice may result in an unsatisfactory reference.

6.02 REDUCTION IN FORCE OR LAY-OFFS

The City shall have the right to vacate, abolish or discontinue a particular position(s) because of lack of funds, shortage of work, changes in organization or changes in the duties and responsibilities of the position(s) in the City.

Procedures for all departments shall be governed by the Civil Service Ordinance and, in the absence of specific ordinance procedures, the following rules of procedure for lay-off shall apply:

- a. After study, the City Manager may decide whether only the employees of the affected department concerned shall be considered in making such a lay-off or whether, and to what extent, the City as a whole shall be considered.
- b. A written notice of lay-off containing the reason shall be handed to each such employee or mailed to the last known place of residence.
- c. Employees shall be laid off in the following order: (1) Emergency, temporary and provisional employees (2) Probationary employees (3) Permanent employees
- d. Notifications of lay-off shall indicate the date such lay-off becomes effective and such notification shall precede that date by at least fourteen (14) calendar days.

- e. Permanent employees shall be laid off on the basis of the following three factors weighted equally:
  - 1) Length of service in a class
  - 2) Length of service with the City
  - 3) Performance evaluations for the last two years or the length of the employee's service, whichever is less. The criteria used to weigh the factors shall be determined by the City Manager, but shall be applied equally to all employees. A lay-off list shall be established for permanent employees in accordance with their rank with the highest being the first.
- f. If an employee has progressed in continuous service and holds or has held permanent classification in several job classifications in the same classification division, the employee shall hold job seniority as follows:
  - 1) In the highest job classification attained, only seniority accrued in that classification shall apply.
  - 2) In any lower job classifications, all seniority accrued in the higher classifications held shall comprise the total seniority in said lower classifications.
- g. No employee shall have a right or a title in a job classification in which the employee was never employed nor held a permanent status in said classification.
- h. Employees who have "advanced," but not in the same classification division, shall only maintain seniority in their previous status as of the date they advance from that previous status and do not accrue further seniority.
- i. Lay-off lists shall take priority over all other lists of similar eligibles, including promotional lists.
- j. When a permanent employee is scheduled for lay-off, the employee shall be offered a transfer or demotion to a lower class in compliance with the procedures above and as long as the employee in question is fully qualified for the position.
- k. Should an employee laid off under these rules refuse two opportunities to be selected from the lay-off list, the employee's name shall be removed from that list. The employee, therefore, forfeits any future rights for re-employment consideration in the particular job classification.



### 6.03 SUSPENSIONS

- a. Suspensions shall be governed by the Civil Service Ordinances and those procedures outlined in Article IX. A Department Head may suspend an employee without pay at any time for poor work attitude, for a disciplinary purpose or other just cause with the approval of the City Manager or his designated agent. Any employee in the Civil Service System who is indicted or charged with a felony may be suspended without pay until such charge is dismissed by the prosecuting authority or until a decision settling the case is rendered. If the employee is found “not guilty” or the charges are dismissed, the employee shall be eligible for reinstatement upon such terms and conditions as may be specified and approved by the City Manager.
- b. Any employee who reports to work unfit or unprepared for work or whose conduct on the job is detrimental to the City service, may be suspended immediately by the Department Head. Such suspensions shall be reported to the City Manager and approved and soon thereafter as possible and a record shall be made of such suspension.

### 6.04 TERMINATIONS (DISCHARGE)

- a. Terminations shall also be governed by the Civil Service Ordinances. Grounds for terminations shall be the City Manager’s responsibility. Termination shall only be for just cause (outlined in Article IX) and Department Heads shall be responsible for providing adequate documentation of the causes. In unusual circumstances, the City Manager may authorize up to two week’ severance pay for a resignation or termination.
- b. Steps for Suspension (of ten days or more), Demotion or Discharge of Non-Probationary Employee:
  - 1) Prior to action, Department Head informs employee of recommendation and reason for action in writing. The written statement shall include:
    - i. Rule violations forming the bass for this recommendation;
    - ii. Facts related to the rule violation;
    - iii. Notification to the employee that he has five working days within which to submit his written response to charges and/or meet with the City Manager.
    - iv. Notification to the employee that he shall be given an opportunity for a Post Termination or Name Clearing Hearing before the City Manager.

At such hearing the employee may present any evidence or facts relative to the circumstances of his termination. The employee shall not have the opportunity to appeal the action taken in the Name Clearing Hearing.

- 2) If the employee does not request such hearing within five working days, the employee's rights to protest the disciplinary action shall be considered waived.

#### 6.05 RETIREMENT

This type of separation is governed by the rules and regulations of the City's Pension Plans and Ordinances.

#### 6.06 EXIT INTERVIEWS

The purpose of the "exit interview" is to provide the Department Heads, the City Manager and the Human Resources Department with information as to why and in what areas an employee may be dissatisfied with the job. This information can be used to improve the City's personnel system. Each employee who resigns from the City may complete an "exit interview" form.

ARTICLE VII  
LEAVE BENEFITS

7.01 GENERAL PROVISIONS

All permanent Civil Service System employees shall be eligible to receive the following leave benefits. Those employees in a provisional, emergency, part-time or temporary status which places them in an exempt situation shall be eligible only for those benefits required by federal and/or state law or contracts or those benefits approved by the City Manager. All records of leave benefits shall be kept by the Human Resources Department and Management and Budget Department and shall be the official record.

7.02 SICK LEAVE

a. Definition: Sick leave with pay up to the amount accumulated by an employee may be granted for the following purposes, subject to the approval of the Department Head or City Manager in the cases of Department Heads:

- 1) Personal injury, or illness not connected with work or exposure to a contagious disease which would endanger others.
- 2) Personal medical, dental and optical appointments.
- 3) Pregnancy and maternity leave.
- 4) Absence due to a serious illness, injury or operation requiring hospitalization or confinement at home under physician's direction of spouse or dependent members of the employee's household and members of the immediate family. Immediate family for purposes of this Section shall be defined as father, mother, spouse, son, daughter, foster parent, grandparent, father-in-law, mother-in-law, brother, sister, or any relative living in the same household as the employee. Granting of this particular leave shall require the approval of the City Manager and shall be strictly controlled. Upon request of the Department Head, the employee shall be required to furnish a physician's statement to the effect that the spouse or dependents need or needed the personal care and attention of the employee.

b. Computation

- 1) Sick leave with pay shall be credited at the rate of eight (8) hours or one working day for each month of completed service.

- 2) Sick leave may be accumulated to a maximum of 1500 hours.
- 3) The employee has two choices as to how he uses his credited sick leave. They are as follows:

Choice 1 – Bank all unused sick leave each year until 1500 hours maximum is reached.

Choice 2 – Bank six days of unused sick leave each year and take cash payment for the balance.

Sick Leave Chart

<u>Earn</u> <u>(Days)</u>	<u>Use</u> <u>(Days)</u>	<u>Choice 1</u>		<u>Choice 2</u>	
		<u>Bank</u> <u>(Days)</u>	<u>Bank</u> <u>(Days)</u>	<u>Bank</u> <u>(Days)</u>	<u>Pay</u> <u>(Days)</u>
12	0	12	6	6	6
12	1	11	6	5	5
12	2	10	6	4	4
12	3	9	6	3	3
12	4	8	6	2	2
12	5	7	6	1	1
12	6	6	6	0	0
12	7	5	5	0	0
12	8	4	4	0	0
12	9	3	3	0	0
12	10	2	2	0	0
12	11	1	1	0	0
12	12	0	0	0	0

c. Guidelines

- 1) Payments for unused sick leave as set forth in the foregoing shall be made no later than December 14.
- 2) Upon resignation, retirement, early retirement, or death, with ten years or more of regular, full-time service, employees (or their beneficiaries, in case of death) shall receive compensation at their then regular pay rate for one-half of their accrued sick leave except for accrual in the “reserve bank.” To receive this benefit, employees must leave City employment in good standing.
- 3) Employees with less than ten years of employment will not be eligible for the pay-out of accrued sick leave, except if laid-off. Laid-off employees will be eligible for pay-out with or without ten years of service.

- 4) Accumulated sick leave shall be credited once a month and sick leave shall not be paid in advance of being earned.
- 5) Accumulated annual leave may be used as sick leave after all accumulated sick leave has been exhausted.
- 6) In addition to the provisions for banking of unused sick leave to a maximum accumulation of 1500 hours as herein before provided, there is hereby established a "reserve bank." Whenever any employee exceeds his 1500 hours maximum sick leave accumulation, then such employee may bank any excess unused sick leave in the "reserve bank." The accumulated days placed in this "reserve bank" may be used by the employee only when all other accumulated sick time has been used as sick leave for actual illness. There shall be no payment to employees for any days remaining in the "reserve bank" upon termination of employment for any reason.

d. Administration of Sick Leave

- 1) Records of sick leave shall be kept by the Department Heads and the Management and Budget Department.
- 2) An employee shall notify the immediate supervisor of absence from work because of illness or other reasons as outlined in departmental rules and regulations. Failure to notify the immediate supervisor shall forfeit any claim for sick pay.
- 3) Sufficient cause exists for dismissal if the employee does not notify the immediate supervisor or Department Head by the third (3<sup>rd</sup>) day of absence.
- 4) Sick leave may be charged in one-half (1/2) hour increments as used by the employee.
- 5) Medical, dental and optical appointments may be charged in one-half (1/2) hour increments as approved by the Department Head. The Department Head shall encourage all these types of "scheduled" sick leave to be made on off-duty time whenever possible. No sick leave shall be charged, however, for medical examinations required by the City.
- 6) An employee exhibiting "excessive absenteeism" in the opinion of the Department Head and/or the Human Resources Department may be required to submit medical evidence after one day's absence. It is understood that excessive absenteeism constitutes just cause for discipline.

- 7) Frequent claiming of sick leave shall constitute grounds for the assumption that the physical condition or personal situation of the employee is below the necessary standard for efficient performance of the job duties of the position. Evidence of abuse of this sick leave benefit, in any manner, shall constitute immediate grounds for dismissal or disciplinary action by the Department Head or the City Manager.
- 8) Sick leave with pay is provided so that economic security will be available to the employee. Sick leave shall not be considered a right which an employee may use as his discretion, but rather as a privilege which shall only be allowed in cases described in Section 7.02, a., subject to Department Head approval and the employee's accumulation.

### 7.03 ANNUAL LEAVE

- a. Definition: Annual leave may be granted for the following purposes subject to the approval of the Department Head and Human Resources Department o City Manager in the case of Department Heads:
  - 1) Vacation Leave
  - 2) Absence for transaction of personal business which cannot be conducted during off-duty hours
  - 3) Religious holidays other than those designated by these rules as holidays
  - 4) For uncovered portion of sick leave, once such leave has been exhausted through illness
  - 5) Any absences from work not covered by other types of leave established.
- b. Computation:
  - 1) It is the intent of the City that employees take their accumulated annual leave following the annual period in which it was earned. No more than a maximum of two (2) years of annual leave (maximum determined by length of service) shall be carried over into subsequent anniversary periods.
  - 2) Annual leave shall be accrued and take on an annual basis in accordance with the following schedule:

YEARS OF SERVICE	LEAVE ACCUMULATED ANNUALLY (HOURS)
Less than 1 year	8 hours per month
After 1 year through 4 years	96 hours per year
After 5 years through 9 years	112 hours per year
After 10 years through 14 years	136 hours per year
After 15 years	176 hours per year

- 3) Annual leave shall be accumulated on pro-rated monthly basis at the end of the last pay period of each month and can be taken as accrued subject to Department Head's discretion or City Manager's discretion in the case of Department Heads.
- 4) Annual leave shall not be approved for any employee who has not earned the requested number of work days.
- 5) Employees, or their designated beneficiaries, shall receive full payment for all accrued annual leave at the employee's current pay rate upon separation from the City.

c. Administration of Annual Leave:

- 1) Records of annual leave shall be kept by Department Heads and the Management and Budget Department.
- 2) Requests for annual leave for Department Heads and for employees requesting advance pay shall be submitted to and approved by the Department Head and the Human Resources Department.
- 3) Department Heads shall make provisions annually for earned leave of employees, and shall attempt to meet the leave requests of the employees with due consideration to the needs and scheduling requirements of the City and seniority. The Department Head's determination of schedule of annual leave shall be final.
- 4) Holidays which occur during an annual leave period shall not be charged as annual leave.
- 5) Annual leave may be charged in one-half (½) hour increments as used by the employee.

7.04 HOLIDAY LEAVE

The following eleven (11) days shall be the days observed by all City employees as holidays and the one (1) personal leave day shall be taken at the employee's discretion with permission of the Department Head (once each calendar year):

NEW YEAR'S DAY  
MARTIN LUTHER KING'S BIRTHDAY  
PRESIDENT'S DAY  
MEMORIAL DAY  
INDEPENDENCE DAY  
LABOR DAY  
VETERAN'S DAY

THANKSGIVING  
DAY FOLLOWING THANKSGIVING  
CHRISTMAS  
DAY PRECEDING OR FOLLOWING  
CHRISTMAS AS DESIGNATED BY  
THE CITY MANAGER

- a. Holidays falling on a Saturday shall be observed the preceding Friday. Holidays falling on a Sunday shall be observed the following Monday.
- b. The Department Head may authorize one (1) day's loss of pay for an employee absent the day before or the day after a holiday.
- c. If it becomes necessary for an employee to work on a holiday, the employee shall be given compensation in the form of one (1) extra day's pay or rescheduled paid holiday at the discretion of the Department Head.

#### 7.05 OCCUPATIONAL DISABILITY

Florida law requires the payment of a 66 2/3% of disabled employees (which may be changed by the Legislature). The City voluntarily contributes a supplementary amount that, when combined with this statutory amount, gives the employee 100% of his pay after taxes.

"TOTAL DISABILITY" is defined as not able to work at any gainful job title or occupation, for which a person is suited through all prior ability, experience, or training, when caused by injury or sickness directly related to employment. "DISABILITY" means incapacity because of the injury to earn in the same or any other employment the wages which the employee was receiving at the time of the injury. "ACCIDENT" means only an unexpected or unusual event or result, happening suddenly. A mental or nervous injury due to fright or excitement only, or disability or death due to the accidental acceleration or aggravation of a venereal disease or a disease due to the habitual use of alcohol or narcotic drugs, shall be deemed not to be an injury by accident arising out of the employment. Where a pre-existing disease or anomaly is accelerated or aggravated by an accident rising out of and in the course of employment, only acceleration of death or acceleration or aggravation of the pre-existing condition reasonably attributable to the accident shall be compensable, with respect to death or permanent impairment. "INJURY" means personal injury or death by accident arising out of and in the course of employment, and such diseases or infection as naturally or unavoidably result from such injury. Damage to dentures, eyeglasses, prosthetic devices, and artificial limbs may be included in this definition only when the damage is shown to be part of, or in conjunction with, an accident. This damage must specifically occur as the result of an accident in the normal course of employment.



An employee who sustains an on-the-job injury or sickness directly related to employment shall be entitled to the currently applicable Worker's Compensation benefits under Florida Statute Chapter 440. This includes medical attention, time loss and wage loss as defined in Chapter 440. Any negligence on the part of an employee shall instead cause use of sick leave accumulations or use of other forms of compensation and time. Failure to use appropriate safety equipment or where there is drug involvement, either of which may have been the cause of an accident, results in at least a 25% reduction in occupational disability payments (wages lost) by statute.

The rate of pay utilized in computation for benefits is the amount per hour paid to the employee at the time of the accident. Under recent statutory benefit changes, both benefit periods and percentages of payment are ranked by various time periods and severity of impairment (see F.S. 440.15). The City has historically paid a supplemental benefit as indicated above. This continues to be the case for appropriate, qualified cases. Since the system is mandated by statute, it is a self-regulating, self-executing program not requiring employee or employer consent.

The City's supplementary payment shall not exceed a period of one (1) year which shall run continuously from the beginning of the effective date of payment. Once that year's period of time has elapsed, the employee may go on pension, if vested or eligible; otherwise he shall be terminated. During the course of the illness, the employee's condition and status shall be constantly reviewed by Risk Management and the medical practitioners handling the case. The City Manager, Risk Manager, Department Head, and the Employee Retirement Committee may review the case at any time for alternative or more serious action.

The employee is required to do all of the following:

1. The employee shall immediately notify his Department Supervisor, Superintendent or Department Head of any injury and complete the state of Florida First Report of Injury and City forms.
2. The employee shall have treatment, and follow up treatment when recovered, from one of the Medical Panel Specialists, depending on availability, where a choice of at least three (3) are given in each specialty.
3. The employee shall completely cooperate with medical direction, advice and any physical therapy recommended, (no longer mandatory) which is made available from the medical panel of providers.
4. The employee shall apply for any pension benefits (local, state or federal) to which he is entitled that may result in a substitution of payments normally made by the City.

#### 7.06 FUNERAL LEAVE

The Department Head may grant funeral leave with pay not to exceed thirty-two (32) hours (forty-eight (48) hours for employees working on a twenty-four (24) hour shift schedule) in any one calendar year to any employee who has rendered satisfactory service with the City. This leave may be granted in the event of a death in the employee's immediate family.

For purposes of this section, the employee's immediate family shall be defined as the employee's spouse, son, daughter, father, mother, foster parent, grandparent, father-in-law, mother-in-law, brother, sister or any relative living in the same household as the employee.

If requested, the employee shall be required to provide the Department Head with proof of death in family as defined before compensation is approved. Funeral leave shall not be charged to annual leave or sick leave. Extensions of the above stipulated time may be granted by the City Manager.

#### 7.07 MILITARY LEAVE

Any employee who presents official orders requiring attendance for a period of training or other active duty as a member of the United States Armed Forces, the Florida National Guard or the State of Florida Reserve may be entitled to military leave of absence with pay for a period not to exceed seventeen (17) working days annually. Extended periods of military leave shall be governed by state and/or federal law.

#### 7.08 CIVIL LEAVE

An employee shall be given reasonable time off without loss of pay when subpoenaed or summoned for jury duty or to appear before a public body or commission in connection with the employee's job duties and for the purpose of voting in local, state and national elections.

If excused and/or released from jury duty or by the public body or commission, the employee shall report for his regular employment, provided however, that at least three (3) hours remain during the regular workday. An employee who is released from work to vote shall return directly to work if any time remains during the regular work day. The employee may be required to provide proof of such civil leave before compensation is approved by the Department Head. Leave for court attendance when the employee is engaged in personal litigation shall be charged to annual leave.

#### 7.09 CONFERENCE LEAVE

A Department Head may grant conference leave with pay, together with necessary and reasonable travel expenses, in order that employees may attend conference, schools, seminars and similar events designed to improve efficiency and job knowledge considered to be in the best interest of the City. The City Manager must approve all such leave.

## 7.10 LEAVE OF ABSENCE WITHOUT PAY

Special Leave: The Department Head may authorize leave without pay to a permanent employee up to thirty (30) days for reasons which do not affect the City operations. The City Manager may authorize special leave without pay beyond this time, but not exceeding three (3) months for any reason deemed to be in the best interest of the City, except a non-service injury or illness may be extended to six (6) months after accumulated sick leave and annual leave have expired, if it does not create a hardship on the departmental workload. Leave of absence without pay may not be used until all annual leave has been exhausted.

No seniority or other benefits shall be lost because of leaves of absence up to thirty (30) days. For leaves of absence over thirty (30) days, an employee cannot accumulate any benefits during that time, except in unusual cases as determined by the City Manager or the Civil Service Board. However, the employee may continue to receive City-paid benefits for a permitted leave of absence at the employee's expense. If the employee fails to make timely payment for such benefits, the City may terminate those benefits. An employee shall return from an extended special leave (over 30 days) to the same step and salary grade previously held, although the anniversary date shall be adjusted accordingly.

Unauthorized Absence: An absence of an employee from duty or active status, including any absences for a single day or part of a day, that is not authorized by a specific grant of leave under these rules and regulations shall be deemed an unauthorized absence from duty. Any such absences shall be without pay and may be subject to disciplinary action.

## 7.11 FAMILY AND MEDICAL LEAVE ACT

In compliance with the Family and Medical Leave Act of 1993, family and medical leave is available to employees who have been employed by the City for one year and have worked at least 1250 hours immediately preceding the commencement of leave requested.

Twelve weeks of leave may be applied for during one calendar year for the birth of a child, the placement of a child with the employee for adoption or foster care, the serious health condition of a spouse, child, or parent of the employee or the serious health condition of the employee. Leave may be taken for birth or placement of a child only within twelve months of that birth or placement. If both spouses are employed by the City and they wish to take leave to care for a newly-arrived child or sick parent, their aggregate leave is limited to 12 weeks. If the leave is requested because of the illness of a child or the other spouse, each spouse is entitled to 12 weeks of leave.

After all paid leave is exhausted, the City will provide enough unpaid leave to total 12 weeks. This leave is not automatic. It must be applied for on the form provided by the Human Resources Department. A request for leave due to health problems of the employee or family member must be supported by a certification on the form provided by the Human Resources Department by the medically affected person's doctor of medicine or osteopathy within 15 days of the request. Otherwise leave may be denied until certification is provided.

In situations involving a serious health condition, leave may be taken intermittently. Leave in connection with birth, adoption or foster care may not be taken intermittently unless the Department Head and the Human Resources Director agreed. However, the employee may be required to transfer temporarily to an alternate position with equivalent pay and benefits that better accommodates periods of recurring leave than the employee's regular position.

The City would maintain the employee's health insurance under the same terms that the coverage would have been provided had the employee not taken the leave. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage. The City would not, however, continue to pay life insurance premiums or any other benefits during the unpaid Family & Medical Leave.

As with other unpaid leave, the employee would not continue to accrue sick leave, vacation or any other benefit.

If an employee voluntarily fails to return from leave, the City will recover from the employee the cost of the health insurance premiums paid by the City for the employee during the leave.

Upon return to work from Family & Medical Leave, the employee may return to his previous position or may, at the City's opinion, be placed in a position equivalent in pay, benefits, and other terms and conditions of employment. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the City has reason to doubt a certification, it may require (at its own expense) that the employee obtain a second opinion from another medical doctor or osteopath who is not employed by the City. In the event of a conflict between the two opinions, the City may require (at its own expense) a third, which shall be binding upon the City and the employee. The third doctor shall be jointly selected by the City and the employee.

The employee is required to provide the City with at least 30 days' notice of his/her intention to take Family & Medical Leave. If this is medically not practicable, the employee must provide as much notice as practicable.

Those employees whose Family & Medical Leave was due to their own serious health condition may be asked to provide medical authorization for return to work. The Department Head may require employees on leave to report their medical status and anticipated date of return at specified intervals.

## ARTICLE VIII

### EMPLOYEE RELATIONS AND BENEFITS

#### 8.01 GENERAL PROVISIONS

All permanent Civil Service System employees shall be eligible to receive the following benefits outlined. Those employees in a provisional, emergency, part-time or temporary status which places them in an exempt situation shall be eligible for only those benefits required by federal and/or state law or contracts or those benefits approved by the City Manager.

All records of benefits shall be kept by the Human Resources Department and Management and Budget Department and shall be the official record.

#### 8.02 INSURANCE

A health and life insurance plan is in effect for regular, full-time, City employees. The City pays for employee benefits under the plan and a premium is collected if the employee wishes his dependents covered. The City continues an employee's medical insurance benefits equivalent to what all other City employees receive when a member begins receiving pension disability, early retirement or full retirement immediately upon separation from the City. This benefit continues until the member becomes eligible for Medicare, Medicaid, or TEFRA.

#### 8.03 PENSION

Pension plans have been established for permanent City employees. Detailed provisions of the pension plans shall appear in separate information booklets.

#### 8.04 EMPLOYEE PERFORMANCE EVALUATIONS

The Human Resources Department, in cooperation with Department Heads, shall establish and administer a system of rating the work performance of all employees in the Civil Service System. The Employee Performance Evaluation shall be designed to permit the evaluation of the employee's performance and attitude as accurately and as fairly as possible. The rating shall be set forth on the performance evaluation forms provided by the Human Resources Department; these forms may be changed periodically to reflect changes in job duties or to more accurately rate employee performance.

Evaluations shall be made by the supervisor of each employee as designated by the Department Head and shall be reviewed by the Department Head. The evaluator shall discuss the evaluation with the employee and each employee shall have access to a copy of his evaluation. The evaluator shall also indicate by written comment those areas in which the employee may need improvement or those areas in which the employee excels.

Besides evaluating employee performance and attitude, the Employee Performance Evaluation shall also be considered in determining merit salary increases and decreases, as a factor in determining order of lay-off and as a basis for training, demotion, transfer, dismissal or promotion. Every Civil Service System employee shall be evaluated at least once each fiscal year, and more frequently if the Department Head determines it to be necessary.

An employee shall not be eligible for a merit increase without first being evaluated. It shall be the responsibility of the Department Head to submit the performance evaluation when due. The receipt of a satisfactory rating on a performance evaluation does not mean an automatic merit increase; this merit increase must be recommended by the Department Head and approved by the City Manager.

The Human Resources Department shall maintain all complete Employee Performance Evaluations which shall be made a part of each employee's personnel file.

#### 8.05 EDUCATIONAL INCENTIVES AND BENEFITS

The City Manager may, if funds are budgeted and available, authorize reimbursement of tuition and other proper expenses for individual courses or a particular field of study taken by permanent employees. The purpose of this educational incentive program is to enable the employee to expand knowledge and skill of the job, and, at the same time, benefit the City through this increased knowledge and skill. This educational incentive policy is not to be confused with "Conference Leave" as outlined in Section 7.09. The City Manager is authorized to implement appropriate administrative regulations to implement the program, to properly review all applications for tuition reimbursement and to insure the City receives maximum benefit from this policy.

Restrictions and requirements on this policy are:

1. The course of study or curriculum shall be related to the employee's job or be contributory to the long-range value of the employee to the City.
2. There shall be no duplicate payments for the same course. If the employee receives payment or bonus from some other source for following a particular course of study or taking an individual course, then the provisions of the City's Educational Incentives and Benefits program shall not apply.
3. Full-time employment of at least one year.
4. Educational or vocational training at the post high school level.

5. The number of courses to be taken should be limited by the budgeted funds available in a particular department for education and training.
6. Application for tuition reimbursement shall be filed prior to enrollment in the course to insure participation by the City.
7. A successful completion of the course or curriculum with a grade of “satisfactory” or at least a grade of “C” and a copy of the final grade and/or degree and a receipt for tuition and other reimbursable expenses incurred.
8. Prior to reimbursing the employee for an individual course or curriculum of study, the City Manager shall insure the employee does not separate from City employment after completion of the course of study unless the employee agrees to one or both of the following arrangements:
  - 1) That the City receive maximum benefit of the training it has paid for by the employee agreeing to remain in the employment of the City for an appropriate period of time after the course or curriculum is completed, or
  - 2) That, in the event the employee does separate from the City for any reason other than death or disability, he shall reimburse the City for those educational expenses received through a pre-arranged pro-rata basis.

#### 8.06 GRIEVANCE PROCEDURE

- a. POLICY. It shall be the policy of the City of Deerfield Beach to provide a procedure for the presentation and mutual adjustment of points of disagreement which may arise between employees and their supervisors, and to assure employees that their problems and complaints will be considered fairly, honestly, and without reprisal.
- b. PURPOSE. The primary purpose of grievance procedure is to determine WHAT is right rather than WHO is right. Free discussion between employees and supervisors will lead to a better understanding by both of the practices, policies and procedures which affect employment. It will also serve to identify and help eliminate conditions which may, or conceivably have, cause misunderstandings and grievances. The purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike must realize and recognize the true purpose of a grievance procedure if such procedure is to have value in promoting the well-being of the City service.



- c. DEFINITION OF A GRIEVANCE. A grievance is a complaint, a view, or an opinion pertaining to working conditions or employment, to relationships between an employee and supervisor or to relationships with other employees, but EXCLUDING grievances arising from an employee's suspension, demotion or dismissal which fall under the jurisdiction of the Civil Service Board.
- d. PROCEDURE FOR PRESENTATION OF A GRIEVANCE. The employee shall first take his problem, complaint or grievance to his immediate supervisor who shall review the problem, make a decision and advise the employee of his decision within three (3) working days. It is neither necessary nor desirable that the grievance be presented in writing at this point. Supervisors are encouraged to consult with their Department Heads or any individual who may be able to offer assistance and/or information relative to the grievance.

If the grievance is not resolved to the employee's satisfaction by the supervisor, or if a decision is not made within the time specified, the employee may submit his grievance to his Department Head. The Department Head shall investigate the grievance and make a decision within three (3) working days.

If the grievance is not resolved to the employee's satisfaction by the Department Head, or if a decision is not made within the time specified, the employee may take his problem to the Human Resources Department. Requests for conference relative to employee grievances shall take precedence over any and all duties of the Human Resources Department and it shall be incumbent to thoroughly investigate the grievance and to render a fair and impartial decision within five (5) working days.

If the grievance is not resolved to the employee's satisfaction by the Human Resources Department, or if a decision is not made within the time specified, the employee may request a review of his case by the City Manager. All such request must be made in writing on the appropriate form furnished by the Human Resources Department. Such request must be filed by the employee within three (3) working days after receipt of the Human Resources Department decision.

The City Manager shall render the final decision within three (3) working days. It shall be the duty of the City Manager to judge each case fairly and impartially, solely on the merits of the evidence presented. This does not apply to those employees falling under the jurisdiction of Ordinance No. 617.

#### 8.07 CITY POLICY ON SEXUAL HARASSMENT

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is a prohibited practice.

Specifically, sexual harassment is deliberate or repeated, unsolicited verbal comments, gestures, pictures or written material, or physical contact of a sexual nature which are unwelcome.

The City of Deerfield Beach is dedicated to a strong policy against discrimination based upon sex. Sexual harassment is unacceptable conduct and will not be condoned. It is imperative that all employees be assured a work atmosphere free from sexual harassment. Violations of this policy will be cause for disciplinary action.

An employee who has been harassed on the job may use the grievance procedure or may report the incident directly to the Human Resources Director.

ARTICLE IX  
DISCIPLINARY ACTION

9.01 GENERAL PROVISIONS

It is the intent of the Personnel Rules and Regulations that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. Department Heads, their authorized representatives and the City Manager shall be charged with the responsibility of enforcing and maintaining proper standards of discipline and personal conduct among their employees and are vested with discretionary authority to practice the methods of discipline that will provide the City and the employee the most effective working relationship.

The Department Head and the City Manager shall be responsible for following the Civil Service Ordinances for those types of discipline that are within the jurisdiction of the ordinances. As stated in Section 1.04, f. of these rules and regulations, internal departmental rules and regulations are incorporated by reference, and made a part of these rules of discipline as long as they do not conflict with these rules. In addition, other infractions mentioned in other sections of these rules are incorporated by reference.

In recognition of the fact that each instance and case differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. The City retains the right to suspend any disciplinary action which it may take, during good behavior for a specified term, at its exclusive discretion. The following acts of conduct are not to be construed as all inclusive and shall be expanded upon for other violations that conflict with the intent of these rules and regulations. In determining the method of discipline, consideration shall be given to the severity of the offense, the cost involved, the employee's record of discipline, the length and quality of service and other pertinent items of information.

9.02 TYPES OF DISCIPLINE

Department Heads and supervisors should use a progressive type of discipline depending on the severity of the offense that uses any or all of the following remedial measures:

- a. Verbally calling the attention of an employee to any unsatisfactory conduct of performance of duties.
- b. Personal reprimand of the employee either verbally or in writing. Employees may receive a copy of all disciplinary measures taken involving written communication.

- c. Utilizing the Employee performance Evaluation in rating the employee's attitude and performance or violation of the disciplinary rules.
- d. Suspension of an employee without pay for just cause subject to the review and approval of the City Manager.
- e. Demotion of an employee to a lower step in the same classification or to a position in a lower classification subject to the review and approval of the City Manager.
- f. Termination or discharge of employees subject to the review and approval of the City Manager.

### 9.03 GROUND FOR DISCIPLINARY ACTION OR SEPARATION

The following acts or situations of employees shall be deemed sufficient cause for disciplinary action or separation from City service:

- a. Being charged with a felony (with right of City to suspend employee without pay until charged have been tried in a court of law).
- b. Violations of safety rules and practices.
- c. Violations of any lawful and reasonable regulation or order, or failed to obey any lawful or reasonable direction made and given by a superior.
- d. Use of intoxicants or drugs while on duty or during meal or other breaks or bring under their influence while on duty or while wearing a City-furnished uniform whether on or off duty; also, refusal to take any tests to determine their use.
- e. Contraction of some mental or physical ailment or defect which incapacitates him for usefulness in the present job.
- f. Concerted curtailment or restriction of production or interference with work in or about the City's property, including, but not limited to, instigating, leading or participating in any walkout, strike, sitdown, slowdown or refusal to return to work at the scheduled time for the scheduled shift.
- g. Being found guilty of acts which amount to insubordination or of a disgraceful conduct.
- h. Offensive conduct or language toward the public, toward City officials or toward other employees.

- i. Misappropriation, misuse or unauthorized use of City time, equipment, tools, funds, machines, etc.
- j. Falsification or significant omissions of personal or City records verbally or in writing, including employment applications, accident records, work records, purchase orders, time sheets or any other report or record.
- k. Incompetence, inefficiency or repeated neglect of assigned duties.
- l. Incompetence, negligence, or inefficiency to such an extent that the employee's performance evaluations fall below a reasonable standard.
- m. Use or threatened use of political influence in securing promotion, leave of absence, transfer or change of class, pay, or character of work.
- n. Habitual tardiness or absence from duty.
- o. Unauthorized absence from duty.
- p. Violation of the State of Florida Ethics Law.
- q. That the employee is antagonistic in his attitude toward supervisory or fellow employees, criticizing orders or rules issued and policies adopted by his superiors or so conducts himself as to interfere with the proper coordination of the employees of the City to the detriment of efficient public service.
- r. Violation of internal departmental rules and regulations that have been posted or that the employee has received a copy of.
- s. Vending or soliciting or collecting contributions for any purpose whatsoever at any time on City premises unless authorized by the Department Head or City Manager.
- t. Making or publishing of false, vicious or malicious statements concerning any employee, supervisor, the City, or its operation.
- u. Suspension or revocation of valid driver's license required for job performance.
- v. Consistent misuse of City property or consistent neglect with respect to City property may be the basis for suspension or termination, pursuant to the Personnel Safety Manual.

ARTICLE X  
RULES AND REGULATIONS FOR DISCIPLINE AND CONTROL  
DEPARTMENT OF FIRE/RESCUE

10.01 GENERAL PROVISIONS

1. Definitions:
  - a. "Chief" shall mean the appointed head of the Deerfield Beach Fire/Rescue Department.
  - b. "Department" shall mean the Deerfield Beach Fire/Rescue Department.
  - c. "Firefighter 1<sup>st</sup> Class" shall be all firefighters who have reached two years of service.
2. The Chief shall issue as required, for the orderly, uniform and efficient operation of the Fire Department, General Orders, Special Orders and Memos. This is designed to govern the day to day operation of the Fire Department. General Orders will be operations, policies, and procedures of a permanent character, to be numbered consecutively as issued.
3. Punctuality will be rigidly insisted upon and only the best reasons, supported by positive proof that a member's delay in reporting was unavoidable, will be accepted.
4. No member of the Department may trade or exchange his designated tour of duty without permission of the officer in charge.
5. All entries in the company journal shall be made in ink. Errors shall be stricken with a single line and initialed by the shift commander. The accuracy of the journal will be the responsibility of the officer in charge at the time the entry would have been made.
6. Any malfunctioning equipment, personal problems, or any other conditions that may affect the efficient operation of this Department shall be reported to the proper authorities IMMEDIATELY.
7. Applications for transfer shall be made in writing to the Chief, through the shift commander.
8. All members shall be reprimanded for conduct tending to being reproach or reflection upon the department or its uniform.

9. Each section of the City Code, the Statutes of the State of Florida and the Charter of the City of Deerfield Beach pertaining to the Fire/Rescue Department is hereby adopted as part of these rules and regulations and shall be of the same force and extent as if written herein.
10. No information relative to the affairs of the Department shall be furnished by any member of the Department to a person not connected therewith, except as authorized by the Chief.
11. Officers shall be addressed by the members and referred to by their proper titles. The use of nicknames or any form of abbreviation will be tolerated.
12. Members shall keep their officers advised of all matters of interest to the Department and make any suggestions or recommendations for increasing the Department's efficiency.
13. All members of the Department shall be provided with a badge of the Department, and no member shall lend his badge on any pretext whatever. The badge at all times shall remain the property of the City. Any member loaning his badge to any person not connected to this Department shall be subject to dismissal.
14. Any member who loses his badge or other insignia of his office, or any other property belonging to this Department, shall immediately make a report of such loss to his commanding officer, and shall, within thirty (30) days, replace such loss.
15. Any officer or member who shall feel aggrieved at an order given or treatment accorded him by any other officer or member may prefer written charges against such officer or member to the Chief. Such charges shall state all the facts in connection with the order or treatment complained of.
16. A member shall notify his immediate superior of any injury to himself received in the line of duty as soon as possible or within twenty-four (24) hours of receipt of said injury. Failure to comply may result in loss of rights as stipulated in the Worker's Compensation Act.
17. No member shall refuse or unreasonably neglect to pay his just debts.
18. It is hereby made the duty of all Department personnel to take notice of all violations of the rules and regulations and to prefer or to cause to be preferred charges against the person so violating these rules and regulations.
19. No member shall be allowed to leave company quarters while on duty for any purpose without permission of the officer in charge.

20. Any person who shall resign his position shall forward a written communication to the Chief's office with sufficient advance notice so as not to create a vacancy in the position attached.
21. Uniforms of the fire force and other branches of the Department shall be in accordance with the specifications on file at headquarters. All new uniforms must be submitted first to the Chief for his approval.
22. All members of the Department shall have a complete uniform in the station at all times when on duty unless they have been given permission by the officer in charge to do otherwise.
23. All members shall be required to keep their persons, uniforms and equipment in a strictly neat and clean condition and in perfect order and repair.
24. Religion and/or politics must not be discussed in the Department station while on duty.
25. Any Department employee who fails to report for duty without good reason, or without the consent of his superior, shall automatically be considered as having turned in his resignation. Personnel records will indicate "separation – failure to return to duty."
26. Drinking beer, wine, spirited liquor or other alcoholic beverages or the use of any other unauthorized drugs or anything that could alter the clear thinking, reaction or efficiency of any personnel shall be subject to immediate disciplinary actions.
27. No employee shall fail to comply to any order lawfully issued to him by a superior officer.
28. No employee shall show cowardice or lack of energy of such character as to amount to incompetency or gross neglect of duty.
29. Every Department employee shall show respect and courtesy in all his dealings with fellow employees, supervisors, officials and the general public.
30. Each employee shall be responsible to report his proper address and telephone number to his superior and notify him immediately of any changes.
31. Failure to comply with any rules or regulations of this Department or the breaking of any laws of the City of Deerfield Beach, or the United States government or any action that causes dissension or discredit to be brought onto this Department shall be punished by reprimand, penalty, suspension or dismissal.



32. All members of this Department are on duty twenty-four (24) hours a day and are subject to immediate recall at any time. Any personnel who are unavailable for recall due to other commitments will be dealt with accordingly.
33. Due to members of this Department being extensively trained in the art of protecting lives and property, each member is directed to offer his services in time of need whether the emergency arises without our response area or in another jurisdiction.
34. Any member of this Department who changes his address and/or telephone number, shall notify his supervisor, in writing, within forty-eight (48) hours of such change.
35. The Department uniform, or any part of, shall not be worn outside of the Department without permission of the Chief of the Department.
36. Shift commanders may not allow personnel to leave quarters, except on Department business, for a period of time in excess of two (2) hours during any one tour of duty without permission of a chief officer.