

Personnel Review Board

Ordinance 95-12 Amended Sec. 2-51 and Repealed Sec. 2-52

Ordinance 74-14 Creation of the Personnel Review Board

ORDINANCE #95-12

AN ORDINANCE OF THE CITY OF DUNEDIN AMENDING SECTION 2-51 OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO PROVIDE FOR SEPARATE UNCODIFIED EMPLOYEE SERVICE SYSTEM RULES; INCLUDING AN EXEMPTION FROM SUCH RULES FOR CERTAIN EMPLOYEES; REPEALING SECTION 2-52 THROUGH 2-70, INCLUSIVE, OF THE CODE OF ORDINANCES IN THEIR ENTIRETY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Commission of the City of Dunedin desires to make certain amendments to the personnel procedures and rules of the City of Dunedin as presently expressed in Article IV of Chapter 2 of the Code of Ordinances of the City of Dunedin consisting of Section 2-51 to Section 2-70, inclusive; and

WHEREAS, the City Commission desires to establish such personnel procedures and rules in a separate document to be referred to as the "Employee Service System Rules", such procedures and rules to be established by Ordinance. For ease of administration and to avoid unnecessary codification, the City Commission desires that such "Employee Service System Rules" not be codified in the City Code; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Section 2-51 of Article IV of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

"Pursuant to Section 4.08 of the Charter of the City of Dunedin, the appointment or promotion of City officers and employees except those specifically exempted from the personnel system (exempt service) shall be as set forth in the Employee Service System Rules. The Employee Service System Rules shall be adopted by Ordinance."

Section 2. That Section 2-52 through 2-70 of the Code of Ordinances of the City of Dunedin are hereby repealed in their entirety.

Section 3. That this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 5th DAY OF October, 1955.

Tom Anderson
Mayor/Commissioner

ATTEST:

Sandra A. Woodell
City Clerk

PASSED ON FIRST READING: September 21, 1995

PASSED ON SECOND READING: October 5, 1995

**EMPLOYEE SERVICE SYSTEM RULES
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the employee service system.

- h. Prepare and recommend to the City Manager a classification plan and amendments to the plan, so that it will reflect on a current basis the duties being performed by each position in the city service and the class to which the position is allocated.
- i. Administer the compensation plan including the periodic study of wage and salary levels in the labor market and make recommendations to the City Manager for amendments to the compensation plan.
- j. Consult with the Personnel Review Board on appropriate merit system matters requesting their advice and opinions.
- k. Perform any other lawful acts necessary or desirable to carry out the purpose and provisions of these Rules.

1.053 RESERVED

1.06 PERSONNEL REVIEW BOARD (PRB)

The Personnel Review Board is comprised of 5 members; 2 members shall be appointed by the City Commission. Individuals shall be nominated by the classified service and 2 members elected by a simple majority vote (50% +1) of all classified service employees voting in the election. The fifth member shall be appointed by the other 4 board members.

1.061 QUALIFICATION OF PRB MEMBERS

The members of the Personnel Review Board shall be persons in sympathy with the application of merit principles to public employment and public personnel administration. No member of the board shall be employed by or be an official of the city nor shall he/she be an officer in any partisan political organization nor shall he/she hold or be a candidate for any elective office. All members of the board shall be over eighteen (18) years of age, a citizen of the United States and must have been a resident of Dunedin for two (2) years immediately prior to his/her appointment. No member of the board shall be related by lineal consanguinity, be the spouse, domestic partner, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, grandparent, great grandparent, grandchild, grandparent of spouse, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-parent, uncle, aunt, nephew, niece, first cousin, step-brother, step-sister, half-brother, half-sister or stepchild of a member of the city service and no person who has been convicted of a crime involving moral turpitude shall be eligible for service on the Personnel Review Board.

1.05 ADMINISTRATION

1.051 CITY MANAGER

The City Manager shall:

- a. Be responsible for the preparation, amendments and maintenance of the employee service system in cooperation with the Director of Human Resources and in consultation with the Personnel Review Board.
- b. Appoint and remove all subordinate officers and employees as set forth in the City Charter.
- c. Make the final decisions regarding acceptance or rejection of advisory opinions or send recommended modifications back to the board for their study.
- d. Perform such other duties and have and exercise such other powers in personnel administration as may be prescribed by law, the employee service system, or the City Commission.

1.052 HUMAN RESOURCES DEPARTMENT

There is hereby established a human resources department and a Director of Human Resources in charge thereof and who shall be appointed by and act in that capacity at the pleasure of the City Manager. The Director of Human Resources shall:

- a. Apply and carry out the employee service rules as adopted.
- b. Foster and develop, in cooperation with the City Manager, department directors, elected officials and other interested parties, programs for the improvement of employee effectiveness and morale.
- c. Encourage and exercise leadership in the development of effective personnel administration within the several departments of the city.
- d. Establish and maintain a roster of all classified service employees which shall set forth, as to each employee, the class title, rate of pay, status and related data.
- e. Prepare and recommend revisions and amendments to the employee service rules.
- f. Attend all meetings of the Personnel Review Board and serve as its executive secretary.
- g. Develop and administer such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of

1.062 TERM OF PRB MEMBERS

Each Personnel Review Board member selected shall serve a three (3) year term except that after the initial formation of the board, board members shall, by the drawing of lots select two (2) members to serve a one year term, two (2) members to serve a two (2) year term and one member to serve a three (3) year term. On the expiration of the term of membership for those initially selected, their successors shall be selected for a full three (3) year term.

1.063 REMOVAL OF PRB MEMBERS; FILLING OF PRB VACANCIES

A member of the Personnel Review Board may only be removed by the group appointing him/her, for incompetence, neglect of duty, malfeasance in office or for other just cause. In the event of resignation or death or removal from office of a board member, the successor shall be selected without delay in accordance with the procedures hereinabove set forth to serve the balance of the unexpired term.

1.064 PRB QUORUM CONSTITUTED

Three (3) members of the Personnel Review Board shall constitute a quorum necessary for the conduct of the business of the board. At least one member appointed by the classified service and at least one member appointed by the City Commission shall be required to constitute a quorum.

1.065 PRB ELECTION, TERM OF CHAIRPERSON AND VICE-CHAIRPERSON

Members of the Personnel Review Board shall select from their own membership a chairperson and a vice-chairperson to serve at the pleasure of the board.

1.066 PRB MEETINGS OF THE BOARD

- a. The Personnel Review Board shall meet at the call of the chairperson, or in his/her absence, the vice-chairperson, at the call of the Director of Human Resources or at the call of any two (2) members of the review board.
- b. Meetings of the board shall be open to the public.

1.067 PRB COMPENSATION OF BOARD MEMBERS

Members of the Personnel Review Board shall serve without compensation; however, they shall be reimbursed for reasonable and necessary expenses.

1.068 AUTHORITY OF THE PERSONNEL REVIEW BOARD

The principal function of the Personnel Review Board is to serve in an advisory capacity in the administration of the employee service system.

The Personnel Review Board shall:

- a. Represent the public interest in the improvement of personnel administration in the City.
- b. Make any inquiry which it may consider desirable concerning personnel administration in the City and make recommendations to the Director of Human Resources and the City Manager.
- c. Advise the Director of Human Resources on matters of problems of personnel administration relating to the personnel program of the City.
- d. Hear appeals and render final decisions, in cases of any classified service system employees who have successfully completed their probationary period, involving terminations, demotions and suspensions, as provided in these rules under Section XIII. It is the responsibility of the board to uphold or reject the disciplinary action, not to make disciplinary recommendations. Other forms of disciplinary actions may only be appealed to the City Manager.
- e. Render advisory opinions to the City Manager on personnel matters brought before the Personnel Review Board.
- f. Make annual reports and such special reports as it considers desirable to the City Commission and City Manager concerning personnel administration in the City service.
- g. The board shall have the power to administer oaths, call witnesses, and may compel the production of books, records and papers pertinent to any investigation or hearing authorized by the Employee Service System Rules. Any person who shall fail to appear or to answer any questions or produce any books or papers pertinent to any such investigation or hearing or who shall knowingly give false testimony therein shall be guilty of an offense and punishable as provided in these rules.

1.07

AMENDMENTS TO EMPLOYEE SERVICE RULES

The Employee Service System Rules are designed to be amended when it is deemed necessary. Amendments to employee service system rules shall be made in accordance with the following procedure: The Director of Human Resources shall draft, after proper consideration of input (i.e. supervisors, employees, and/or the Personnel Review Board) and in consultation with the City Manager, such changes to these rules as may be necessary to carry out the policy and provisions of these Rules. The revisions recommended by the City Manager shall be considered for adoption by resolution of the City Commission.

RULES FOR DEPARTMENT DIRECTORS AND ASSISTANT CITY MANAGER(S)

Department Directors and Assistant City Manager(s) are exempt from ESSR, but for ease of administration the ESSR rules will apply as appropriate but will only be used to provide general guidance to the City Manager. The application of these rules, however, will not affect their status as employees at will or give them any rights regarding appeal of disciplinary actions or any other right of employee status.

Department Directors and Assistant City Manager(s) shall serve at the pleasure of the City Manager and may be terminated with or without cause and shall have no right of appeal. The City Manager shall, upon determination that the services are to be terminated of a Department Director or Assistant City Manager, notify the City Commission of the decision. Department Directors and Assistant City Manager(s) shall serve for such compensation and shall receive such employment benefits as are set by the City Manager.

ORDINANCE NO. 74-14

AN ORDINANCE TO ESTABLISH AN EMPLOYEE SERVICE SYSTEM BASED ON MERIT PRINCIPLES FOR ALL EMPLOYEES OF THE CITY OF DUNEDIN; CREATING A PERSONNEL REVIEW BOARD AND PERSONNEL DEPARTMENT; DEFINING THE PURPOSES, DUTIES, RESPONSIBILITIES AND AUTHORITY OF THE PERSONNEL DIRECTOR AND OF THE PERSONNEL REVIEW BOARD; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND OF THE PERSONNEL RULES ADOPTED PURSUANT THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as a result of changes in State Law and a municipal referendum, the City of Dunedin removed the Charter reference to the Civil Service System; and

WHEREAS, it is in the best interests of the public and the municipal employees of the City of Dunedin to have a merit Employee Service System; now, therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

ARTICLE 1. General Provisions

- Section 1. This Ordinance shall be known as the Employee Service Ordinance.
- Section 2. It is hereby the declared personnel policy of the City that:
- Section 2.1 Employment in the City Government shall be based on merit and fitness, free of personal and political considerations.
- Section 2.2 Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City Government.
- Section 2.3 Tenure of employees covered by this Ordinance shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.

ARTICLE 2. Definitions

- Section 1. As used in this Ordinance, the below listed terms shall have the meaning as shown unless the context clearly indicates otherwise.
- Section 2. "City" shall mean the City of Dunedin.

- Section 2.1 "Commission" shall mean the City Commission of the City of Dunedin.
- Section 2.2 "Board" shall mean the Personnel Review Board as provided for herein.
- Section 2.3 "Appointing Authority" shall be the City Manager who, by City Charter, is authorized to appoint, assign or remove employees over which he has jurisdiction, subject to the provisions of this Ordinance and the Employee Service Rules adopted pursuant hereto.
- Section 2.4 "Employee Service System" shall mean a personnel program based upon merit principles which attempts to provide an objective and impartial career and public service system.
- Section 2.5 "Classified Service" shall mean the persons employed by the City who are subject to the coverage and regulations of this Ordinance and to the Employee Service Rules provided for herein.
- Section 2.6 "Exempt Service" shall mean the persons employed by the City who are not subject to the coverage and regulations of this Ordinance nor to the Employee Service Rules provided for herein.
- Section 2.7 "City Service" shall mean all persons employed by and under the jurisdiction of the Commission as members of the Classified Service or members of the Exempt Service.

ARTICLE 3. The City Service

- Section 1. All offices and positions of the City are divided into the Classified Service and the Exempt Service.
- Section 2. Exempt Service.
- Section 2.1 All elected officials, Charter officials and members of boards and commissions appointed by the Commission.
- Section 2.2 Department Heads and specifically designated Assistant Department heads appointed by the City Manager.
- Section 2.3 Volunteer and temporary personnel.
- Section 2.4 Consultants and counsel rendering temporary professional service or persons employed under limited term contractual agreements to perform specialized or technical service for the City.
- Section 3. The Classified Service shall include all other positions in the City Service that are not specifically placed in the Exempt Service by this Ordinance.

ARTICLE 4. Administration

- Section 1. There is hereby established a Personnel Department and a Personnel Director in charge thereof.
- Section 2. The personnel program established by this Ordinance shall be administered by the Personnel Director who shall be appointed by and serve at the pleasure of the City Manager. The Personnel Director shall:
- Section 2.1 Apply and carry out the Employee Service Rules as adopted.
- Section 2.2 Foster and develop, in cooperation with the City Manager, heads of the various departments, elected officials and other interested parties, programs for the improvement of employee effectiveness and morale.
- Section 2.3 Encourage and exercise leadership in the development of effective personnel administration within the several departments of the City.
- Section 2.4 Establish and maintain a roster of all Classified Service employees which shall set forth, as to each employee, the class title, rate of pay, status and related data.
- Section 2.5 Prepare and recommend revisions and amendments to the Employee Service Rules.
- Section 2.6 Attend all meetings of the Personnel Review Board and serve as its Executive Secretary.
- Section 2.7 Perform any other lawful acts necessary or desirable to carry out the purpose and provisions of this Ordinance and the Employee Service Rules.

ARTICLE 5. Personnel Review Board

- Section 1. There is hereby created a Personnel Review Board, consisting of five (5) members.
- Section 1.1 Two (2) members shall be appointed by the Commission.
- Section 1.2 Members shall be nominated by the Classified Service and two (2) members shall be elected by a simple majority vote (50% + 1) of all Classified Service employees voting in the election.
- Section 1.3 The fifth member shall be appointed by the other four (4) members thus selected.
- Section 2. The members of the Board shall be persons in sympathy with the application of merit principles to public employment and public personnel adminis-

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tration. No member of the Board shall be employed by or be an official of the City nor shall he be an officer in any partisan political organization nor shall he hold or be a candidate for any elective office. All members of the Board shall be over eighteen (18) years of age, a citizen of the United States and must have been a resident of Dunedin for two (2) years immediately prior to his appointment. No member of the Board shall be related by lineal consanguinity, be the spouse, brother, sister, uncle, aunt, nephew, niece, adopted child or stepchild of a member of the City Service and no person who has been convicted of a crime involving moral turpitude shall be eligible for service on the Personnel Review Board.

- Section 3. Each Board member selected shall serve a three (3) year term except that after the initial formation of the Board. Board members shall, by the drawing of lots, select two (2) members to serve a one (1) year term, two (2) members to serve a two (2) year term and one (1) member to serve a three (3) year term. On the expiration of the term of membership for those initially selected, their successors shall be selected for a full three (3) year term.
- Section 4. A member of the Board may only be removed by the group appointing him, for incompetency, neglect of duty, malfeasance in office or for other just cause. In the event of resignation or death or removal from office of a Board member, the successor shall be selected without delay in accordance with the procedures hereinabove set forth to serve the balance of the unexpired term.
- Section 5. Three (3) members of the Board shall constitute a quorum necessary for the conduct of the business of the Board.
- Section 6. Members of the Board shall select from their own membership a Chairman and a Vice-Chairman to serve at the pleasure of the Board.
- Section 7. The Board shall meet at the call of the Chairman, or in his absence, the Vice-Chairman, at the call of the Personnel Director, or at the call of any two members of the Review Board.
- Section 8. Meetings of the Board shall be open to the public.
- Section 9. Members of the Board shall serve without compensation; however, they shall be reimbursed for reasonable and necessary expenses.
- Section 10. In addition to the duties set forth elsewhere in this Ordinance or in the Employee Service Rules, the Personnel Review Board shall:

- Section 10.1 Advise the Personnel Director on matters of problems of personnel administration relating to the personnel program of the City.
- Section 10.2 Represent the public interest in the improvement of personnel administration in the City.
- Section 10.3 Make any inquiry which it may consider desirable concerning personnel administration in the City and make recommendations to the Personnel Director and the City Manager.

ARTICLE 6. Employee Service Rules

Section 1. The Personnel Director shall draft, after proper consideration of employee input and in consultation with the City Manager, such rules as may be necessary to carry out the provisions of this Ordinance. Following a public hearing conducted by the City Commission, the rules recommended by the City Manager, containing any revisions agreed upon as a result of the public hearing, shall be considered for adoption by Resolution of the Commission. If not adopted, amended or rejected by the Commission within thirty (30) calendar days after submission to them, they shall automatically become effective. The Employee Service Rules shall have the force and effect of law when placed into effect. Amendments to the Rules shall be made in accordance with the above procedure. The Employee Service Rules shall provide, among other things:

- Section 1.1 For open competitive examinations which shall determine the relative fitness and abilities of applicants meeting announced requirements for the respective, competitive positions in the Classified Service. Notices for positions available or promotional examinations shall be posted in conspicuous places where they may be seen by employees eligible to compete.
- Section 1.2 For oral examinations for classes of employment where, in the opinion of the Personnel Director, written examinations would not be practical or feasible by job description.
- Section 1.3 For establishment of eligible registers for initial appointment and promotion. Such registers shall be valid for use for one (1) year from the date of certification.
- Section 1.4 For the rejection of candidates who fail to comply with announced job requirements.
- Section 1.5 For a probationary period which shall not exceed one (1) year from the date of initial employment.

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- Section 1.6 For provisional employment without competitive examination where there is no appropriate eligible register available.
- Section 1.7 For temporary employment with or without examination for not more than six (6) months.
- Section 1.8 For keeping of records of performance of all employees in the Classified Service.
- Section 1.9 For the development and operation of programs to improve the effectiveness and morale of employees in the Classified Service.
- Section 1.10 For disciplinary actions of discharge, demotion or suspension without pay for just cause. All employees who are awarded such disciplinary actions shall be presented with a written notice stating the specific reasons for the disciplinary action and whenever it is practical and possible, such written notice shall be personally presented to the affected employee on or before the effective date of such action or shall be sent by Registered Mail, Return Receipt Requested, to the employee's last known address. A copy of the disciplinary action shall be filed with the Personnel Director.
- Section 1.11 For procedures governing layoff, re-employment, disciplinary actions and grievances.
- Section 1.12 For hours of work, holidays, overtime pay, vacation, sick and other leaves with or without pay.
- Section 1.13 For general prohibitions relating to political activity.
- Section 1.14 For other rules not inconsistent with this Ordinance and which shall aid in its effectiveness.
- Section 1.15 For proper procedures of operation for the Personnel Review Board in their conduct of hearings relating to disciplinary actions affecting employees who have completed their probationary period.
- Section 1.16 For procedures governing disciplinary actions concerning Department Heads who are not subject to the Rules and Regulations relating to Classified Service Employees.

ARTICLE 7. Transition

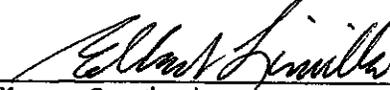
- Section 1. Until the adoption of appropriate Employee Service Rules and Regulations contemplated by this Ordinance, the existing Civil Service Rules and

Regulations presently providing certain rights and privileges to employees shall remain in full force and effect.

ARTICLE 8. Severability

Section 1. If any section, subsection, sentence, clause or provision of this Ordinance be held invalid, the remainder of this Ordinance shall not be affected.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15TH DAY OF APRIL, A. D. 1974.



Mayor-Commissioner

ATTEST:



City Clerk

PASSED ON FIRST READING MARCH 18, 1974

PASSED ON SECOND READING APRIL 15, 1974

PASSED ON THIRD READING APRIL 15, 1974

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