

City Of Dunedin, Florida

**Employee Service System Rules
(ESSR)**

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**EMPLOYEE SERVICE SYSTEM RULES
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SECTION I
OBJECTIVES AND SCOPE

1. OBJECTIVES AND SCOPE

1.01 PURPOSE

The purpose of the Employee Service System Rules (Rules) is to establish a merit system of personnel administration for the benefit of the employees and the people of the City of Dunedin. The system provides a means for recruitment, selection, development, and maintenance of the best available employees for each position in the system. The Rules provide for establishing orderly procedures for administering the employment service system in such a way as to provide:

- a. Recruiting, selecting and advancing employees on the basis of their relative merit, ability, knowledge and skills, including open consideration of qualified applicants for initial appointment.
- b. Just and equitable incentives and conditions of employment to promote efficiency and economy in the operation of the City government.
- c. Tenure of employees covered by the rules and regulations subject to good behavior, satisfactory performance of work necessary for the performance of work and the availability of funds.
- d. Fair treatment of applicants and employees based on merit and fitness in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, age, disability, marital status, religious creed or sexual orientation and with proper regard for their privacy and constitutional rights as citizens.
- e. Protection of employees against coercion for partisan political purposes and prohibiting them from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
- f. Training employees, as needed, to assure high-quality performance and encourage careers with the City.
- g. Veterans' Preference will be given to eligible veterans and their spouses in accordance with Chapter 295 of the Florida Statutes at time of hire.

1.02 THE CITY SERVICE

All offices and positions of the City are divided into the classified service and the exempt service.

1.03 EXEMPT SERVICE

The exempt service shall include the following positions:

- a. All elected officials
- b. Charter officials
- c. Members of boards and committees
- d. Department Directors and the Assistant City Manager(s)
- e. Volunteer and temporary personnel
- f. Consultants and counsel rendering temporary professional service or persons employed under limited term contractual agreements to perform specialized or technical service for the City

1.04 CLASSIFIED SERVICE

The classified service shall include all positions in the City service that are not specifically placed in the exempt service.

1.041 APPLICABILITY

- a. These rules apply to classified service employees only.
- b. These rules apply to classified service employees covered by a collective bargaining agreement to the extent that they do not conflict with the express terms of such agreement. In the event that a conflict exists, the collective bargaining agreement supersedes.
- c. These rules shall not apply and no right of any kind shall exist in any regard whatsoever to any person until such person has received an appointment to an employment position by the City Manager.

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

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.

1.062 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.

1.08 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.

SECTION II
GENERAL PROVISIONS

2. GENERAL PROVISIONS

2.01 DEFINITIONS

Allocate - The act of assigning each position to its proper class.

Appointing Authority - The City Manager who, by City Charter is authorized to appoint, assign or remove employees over which the City Manager has jurisdiction, subject to the provisions of the Charter and the Employee Service System Rules.

Board - The Personnel Review Board.

Certify - The act of the Director of Human Resources supplying a department director with the names of applicants who are eligible for appointment to a specific position.

City - The City of Dunedin.

City Service - All persons employed by and under the jurisdiction of the commission as members of the classified service or members of the exempt service.

Classified Service - The persons employed by the City who are subject to the coverage and regulations of the Employee Service System Rules.

Commission - The City Commission of the City of Dunedin.

Compensation Plan - City of Dunedin Pay Plan and any applicable Union contract.

Continuous Service - Means employment in the system which is uninterrupted.

Conviction - Includes any plea or finding of guilt, any plea of nolo contendere, and any court finding or prosecution action in which official adjudication was withheld for any reason including but not limited to participation in any pre-trial intervention or other agreement by which prosecution is deferred or not pursued.

Demotion - The assignment of an employee to a position in a lower class having a lower maximum salary than the class from which the assignment was made.

Department Director - The person reporting directly to the City Manager, who has been appointed by the City Manager as head of a major organizational unit designated as a

department on the City's current organizational chart which has been adopted by resolution of the City Commission.

Director of Human Resources - Person appointed by the City Manager charged with responsibilities for the accomplishment of the duties of that function.

Division Director - The head of a recognized organizational subdivision of the City who reports directly to a Department Director.

Domestic Partner - Domestic Partner shall mean a person who is neither married to nor related by blood or marriage to the employee; is the employee's sole spousal equivalent; lives together with the employee in the same residence and the employee and domestic partner intend to do so indefinitely; is responsible with the employee for each other's welfare. The employee may not be legally married to or legally separated from another person at the time of declaration of domestic partnership; or have declared a domestic partnership within the prior six (6) months. In order to declare domestic partnership, the employee must execute a declaration of domestic partnership.

Eligible - A person listed on an active eligible list.

Eligible List - An employment list, promotional list, reemployment list or reinstatement list.

Employee Service System - A personnel program based upon merit principles which attempts to provide an objective and impartial career and public service system.

Employment List - A list of persons who have been found qualified by an entrance examination for appointment to a position in class.

Exempt Service - Persons employed by the City who are not subject to the coverage and regulations of the Employee Service System Rules.

Incumbent - The person occupying the position.

Job Title - The official designation or name of the position as stated in the position description which shall be used on all personnel records and actions. Working or office titles may be used in lieu of the job title for other than payroll or official purposes.

Oral Examination - Is an examination where a job candidate spends time in the presence of a multi-member panel who are selected by the Director of Human Resources, because of their specialized experience and knowledge. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate. The principal feature of this type of selection technique is the face-to-face contact between the candidate and those interviewing and/or examining the candidate. Oral examinations may be utilized as a portion of the overall examination process.

Performance Examination - A practical test in which the candidate performs a sample of the actual work that is found on the job. To the extent that circumstances permit, an attempt is made to test the candidate under similar conditions as those found in the position for which the application was made.

Position - A group of duties and responsibilities requiring the full-time or part-time employment of one person. A position may be occupied or vacant.

Position Classification Plan - City of Dunedin Pay Plan and any applicable Union contract.

Position Description - A written document which generally describes a position and includes typical examples of work of the position as well as the qualifications and guidelines for entrance into the kind of work described.

Probation -

- a. Employment probation is the condition of an employee which excludes the employee from access to the appeal process which is available to regular employees, as set forth in Section XIII of these rules. The normal term of employment probation is a minimum of one year. A longer term may occur as specified in these rules.
- b. Classification probation is the condition of an employee prior to his/her acquiring status in and rights to a particular position or class. The initial term of classification probation is a minimum of one year. A longer term may occur as specified in these rules.
- c. Performance Probation is the condition of an employee's performance which needs improvement. Performance probation will be handled in accordance with the City's Performance Evaluation Guidelines.

Probationary Employee - Any employee who is serving his/her probationary period prior to being regularly appointed to a position and class in the classified service.

Promotion - The assignment of an employee to a position in higher class having a higher maximum salary than the position from which the assignment was made.

Promotional Examination - An examination or a group of examinations for a position in a certain class, admission to which is limited to employees in the classified service and who hold regular positions in another class.

Provisional Employee - Any employee filling a position in the classified service without competition pending the following of normal selection procedures.

Reclassification - Re-assigning an employee to another job classification appropriate to an employee's existing job duties. Also called re-allocation. See 3.06 and 4.14.

Regrade - Reassignment of an existing position to another pay grade.

Regular Employee - An employee who has been appointed to a position in the classified service in accordance with the rules and has satisfactorily completed a probationary period.

Re-employment List - List of former employees who were separated for reasons not detrimental to their work history.

Rules - The Employee Service System Rules adopted by the City Commission.

Status - A condition acquired by an employee giving rights to a class, in the manner set forth in the Rules.

Temporary Employee - An employee holding a position other than regular, except as provided in these Rules, which is of a temporary, seasonal, casual or emergency nature.

Transfer –

- a. Intra-Departmental – Transfer by the appropriate Department Director of an employee in the Employee Service System under his/her jurisdiction from one position to another within the same department.
- b. Inter-Departmental – Transfer of an employee in the Employee Service System from one department to another.

Unassembled Examination - An appraisal program where it is not necessary for the applicants to present themselves in person at a designated time and place in order that the appraisal information be obtained. Unassembled examinations, in contrast to common, assembled appraisal techniques, written tests, performance tests and interviews, would include the following:

- a. Ratings of education, training and experience.
- b. Inquiries as to, and evaluation of, qualifications including written appraisals, oral inquiries and investigations.
- c. Evaluations and samples of the applicants work.
- d. Appropriate medical evaluation to determine ability to perform all the essential functions of the position. (After conditional offer of employment only.)

2.02 RESERVED

2.03 MOVEMENT OF EXEMPT POSITIONS AND EMPLOYEES INTO CLASSIFIED POSITIONS

When positions are brought into the classified service, the conversion of the incumbents will be governed as follows unless specific provisions of an act or ordinance provide otherwise:

- a. Incumbents will be given classified service status if they have been serving in their positions for at least six months on the effective date of the movement of their positions into the classified service, and they meet the competitive requirements for the position they occupy.
- b. An employee who does not meet the length of service requirements, or who does not meet competitive requirements may be retained in an exempt status. If the employee lacks the competitive requirements, the employee may be recommended for conversion at such time as he/she does meet them.

2.04 SERVICE OF CLASSIFIED SERVICE EMPLOYEES IN EXEMPT POSITIONS

- a. With the approval of the City Manager, an employee in the classified service may be appointed to a position in the exempt service. The position in the classified service shall be considered vacated and shall be filled by the regular competitive procedures which apply to filling such positions on a regular basis.
- b. If such employee is separated from the exempt position, the employee may be returned to the former position or one of equal or similar responsibilities in the classified service, upon recommendation of the City Manager.

2.05 RESERVED

2.06 POLITICAL ACTIVITY

- a. No employee covered by these rules shall continue in a position with the City service after becoming a candidate for election to the City Commission of the City of Dunedin.
- b. Employees covered by these rules are prohibited from conducting or participating in any political activity while on duty or in the workplace or using the employee's authority emanating from City employment for political purposes. All employees are prohibited from using any authority emanating from City employment to interfere with any election or to coerce or influence another employee to vote for a particular political candidate; nor shall he or she coerce or attempt to coerce, command or direct any employee to pay, lend, or contribute any part of his or her salary, or any money, or anything of value to any party, committee, organization, agency, or person for political purposes.

- c. Nothing herein contained shall affect the right of the employee to hold membership in, and support, a political party, to vote as he/she chooses, to express privately his/her opinions on all political subjects and candidates, to maintain political neutrality and to attend political meetings.

2.07 CONFLICT OF INTEREST

Conflict of interest rules shall be in accordance with the established State laws and/or the City's Code of Ethics.

No employee shall serve on a City board or committee except as deemed necessary by the City Manager for the performance of their job duties.

2.08 RESERVED

2.09 FAMILY EMPLOYMENT RESTRICTIONS

No member of the immediate family of a current City service employee, Contract employee, Department Director, Charter Official or Elected Official will be hired by the City on a regular or temporary basis within the City except in circumstances in which the City is benefited by such employment and no supervisory or other conflict is possible because of employment status or location and such employment is approved by the City Manager with justification documented in writing. For purposes of this section, immediate family is defined as the employee's: 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, step-child, uncle, aunt, niece, nephew, first cousin, step-brother, step-sister, half-brother, and half-sister. The City will at all times comply with the anti-nepotism statutes of the State of Florida, currently § 112.3135 F.S.

Employees who marry one another or become domestic partners will not be permitted to work together nor have supervisory authority over one another. In the event this occurs, one employee may be transferred to another shift or department. If the classification does not exist on another shift or in another department, division or section, the City will accept the resignation of either employee or retain the employee with greater seniority or as deemed to be in the best interests of the City.

2.10 EQUAL OPPORTUNITY AND NON-DISCRIMINATION

- a. There shall be no discrimination exercised based on race, national origin, color, religion, creed, sex, age, disability, marital status, sexual orientation or political affiliation with respect to the recruiting and examination of applicants, the hiring of eligibles or in any personnel transactions affecting employees in the employee service system, including training, promotion and disciplinary actions. All actions shall be based solely on merit and the ability of an individual to perform all essential job

functions with any required reasonable accommodation.

- b. The Director of Human Resources shall see that information about job opportunities is readily available to the public and a continuing program shall be conducted to make the Equal Employment policies and disabled regulations known to all citizens.

2.11 PROHIBITIONS

- a. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.
- b. No person shall directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, to a position in the employee service system.
- c. No employee of the Human Resources Department, an examiner or other person involved in matters affecting City personnel administration shall deceive or obstruct any person in their right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City service.
- d. Any officer or employee who knowingly violates the provisions of this section shall be subject to discipline in accordance with the City's Progressive Discipline Policy.

2.12 WAGES AND OTHER PAYMENTS DUE DECEASED EMPLOYEE

In case of the death of an employee the City shall pay any wages, vacation or sick leave pay, compensation and other benefits that may be due the employee at the time of the employee's death, to the employee's designated beneficiary, or if the deceased employee has not named a beneficiary or if the beneficiary named pre-deceases the employee, then to the employee's estate.

2.13 RESERVED

SECTION III

POSITION CLASSIFICATION PLAN

3. POSITION CLASSIFICATION PLAN

3.01 PURPOSE

The position classification plan provides a complete inventory of all employee service system positions and is a systematic and standardized grouping of positions into classes of work. The classification plan establishes guidelines for qualifications for employment to the City service. By describing and relating the various types and levels of work throughout the personnel system, the classification plan provides guidelines for establishing pay relationships.

3.02 COMPOSITION

The classification plan comprises written position descriptions for each position included in the system. They are used as a guide in recruiting and examining candidates for employment, in determining the lines of promotion and developing training programs, as guidelines in determining salary relationships and in providing uniform job terminology to convey the same meaning to all concerned. Position descriptions shall be a listing of illustrative tasks and shall not limit the work or duties to which an employee may be assigned. Minimum requirements for the position may be waived or expanded by the City Manager upon the recommendation of the Department Director and/or the Director of Human Resources based on the needs of the City and shall not act in any manner as a limitation on supervisory or hiring practices.

3.03 POSITION AUDIT PROCEDURE

The Director of Human Resources is charged with the responsibility of initiating position audits of any or all classified service positions at any time. Other position audits may be initiated by written request to the Director of Human Resources from:

- a. The City Manager
- b. The director of the department in which the specific position is located
- c. The incumbent of the position to be audited
- d. The Personnel Review Board

Position information may be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position if the position is vacant,

and through study of the position, which may include an interview with the position incumbent by the Director of Human Resources or designee. The appropriate Department Director will review and make recommendations to the Director of Human Resources on all proposed new positions, changes and position descriptions.

3.04 DETERMINATION OF CLASSES

The Director of Human Resources shall propose new or revised classes of work as well as the abolition of existing or obsolete classes, to the City Manager for appropriate study as to their need and budget impact. Department Director input will be requested by the Director of Human Resources to arrive at recommendations.

3.05 ALLOCATION AND RE-ALLOCATION OF POSITIONS

The Director of Human Resources, after having determined the content of the positions shall allocate newly created positions to an existing class in the position in the classification plan or to a new classification, depending on the type of position and the availability of an appropriate existing plan. Allocations or re-allocations of positions based on reorganization or the assumption of new functions shall be reserved to the actions of the City Manager, with due consideration of Department Directors' and/or Director of Human Resources comments and recommendations.

3.06 STATUS OF AN INCUMBENT IN RE-ALLOCATED POSITIONS

When the incumbent of a position, through diligent application of the work, is officially assigned more difficult and significant additional responsibilities and duties so that it appears as if the position warrants re-allocation to a higher class, the Director of Human Resources, upon the request of the incumbent or the incumbent's supervisor, shall perform a field study of the present duties and responsibilities of the position. If it is determined that the position should be re-allocated to such higher level class, the Director of Human Resources may require that the incumbent undergo a prescribed test of fitness, depending on the conditions of the re-allocation and the nature of the position to be re-allocated. Tests may include written or oral examination, interview or performance test depending on the position involved. See Section 4.14 on re-allocation downward of an incumbent position.

3.07 POSITION CONTROL

All positions in the employee service system are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Commission upon recommendations submitted by the City Manager.

3.08 ADMINISTRATION OF THE CLASSIFICATION PLAN

The Director of Human Resources shall be charged with the maintenance and the administration of the classification plan so that the classes of work will reflect the duties included in each of the positions and to ensure that each position is properly allocated to one of the classes. The Director of Human Resources shall periodically review the entire classification plan as well as the allocation of all positions to classes within the plan and recommend additions or revisions deemed necessary to the City Manager for appropriate action.

SECTION IV
COMPENSATION PLAN

4. COMPENSATION PLAN

4.01 PURPOSE

The compensation plan is intended to provide all employee service system employees with equitable pay relative not only to pay received by other employees performing similar work in the City government, but also rates paid by other employers in the labor market from which employees are recruited.

4.02 COMPOSITION

The compensation plan consists of a salary schedule showing pay grades with minimum and maximum salary levels, as well as a schedule listing the assignment of each class in the classification plan to a pay grade in the salary schedule.

4.03 ADOPTION OF THE COMPENSATION PLAN

The Director of Human Resources shall prepare and present to the City Manager for appropriate action, a proposed or amended salary schedule. The City Commission shall adopt a salary schedule to be effective during the next fiscal year or at such time as the Commission may designate.

4.04 ASSIGNMENT OF CLASSES TO PAY GRADES

The Director of Human Resources shall submit to the City Manager for appropriate action, a recommended assignment of each class in the classification plan to one of the pay grades in the salary schedule.

4.05 MAINTENANCE OF THE COMPENSATION PLAN

The Director of Human Resources shall make or cause to have made annual or special comparative studies of salaries paid and related pay practices of a valid sampling of employers in the labor market who are competing for employees in the City. The Director of Human Resources shall utilize the information in the evaluation of the assignments of classes to pay grades.

4.06 APPOINTMENTS AND STARTING RATES

- a. The minimum salary shown for the class is established for a position and considered the normal appointment rate for new employees.
- b. Appointments below or above the minimum salary may be authorized by the City Manager upon the recommendation of the Department Director and the Director of Human Resources.
- c. Salary rates for promotional appointments will be handled in accordance with Section 4.11 of these Rules.
- d. The City reserves the right to collect any overpayment of salary made to the employee by the City in error. For purposes of the statute of limitations regarding collections, the City will follow F.S. Chapter 95.11(3)(d).

4.07 PERFORMANCE APPRAISALS

(See Section X)

4.08 SALARY INCREASES

An evaluation system has been established to allow a means to recognize performance of employees, rewarding an employee for merit, to encourage careers within the City, and to provide employee incentives. Increases within the salary schedule are not automatic. The City's current salary system will be outlined in each fiscal year Pay Plan. Under no circumstances may an employee exceed the maximum of their pay range except as specifically provided in these Rules and approved by the City Manager.

Salary increases will be subject to funds budgeted for such purpose by the City Commission and normally will be distributed at the beginning of the fiscal year. Probationary employees (Classification and Employment) may be administered differently as outlined in the City of Dunedin Pay Plan. The City Manager will adopt administrative regulations implementing Section IV as is necessary to provide standards and procedural guidelines for the administration of the salary system.

An employee must be actively on the job 66% of their annual evaluation period to be eligible for a salary increase. If the employee is actively on the job less than 66% of their annual evaluation time through no fault of their own, a pro-rated salary increase may be granted subject to the approval of the City Manager. Actively on the job refers to the performance of an employee's job duties whether or not they are physically at their work site. Each case will be evaluated on an individual basis and handled in accordance with the Family and Medical Leave Act (FMLA), if applicable.

4.09 RESERVED

4.10 ANNIVERSARY DATES

For the purposes of establishing length of service, the employee's anniversary date shall be the date of initial appointment to the classified service.

4.11 PROMOTION

- a. A promotion occurs when an employee is moved from a position in one pay grade to another position in a different pay grade which has a higher maximum salary.
- b. The promoted employee shall receive a salary increase to the minimum of the new pay grade or 5%, whichever is greater, at the time of promotion. The City Manager may authorize a promotional increase exceeding 5% depending on the individual situation at the time, and after considering the recommendation of the Department Director and Human Resources.
- c. A minimum of one year is to be used by the supervisor, in accordance with the Performance Evaluation Guidelines, to evaluate the performance of the promoted employee and to assure that the employee can satisfactorily perform the duties of the new position. A longer term may apply as specified in these Rules. The employee's Department Director shall certify the promotion to the Director of Human Resources.

4.12 DEMOTIONS - INVOLUNTARY

If an employee is demoted for just and reasonable cause, the demotion shall carry with it a reduction in pay. A demoted employee shall not be paid more than the maximum rate established for the new pay grade and will be placed into a salary assigned by the Director of Human Resources after consulting with the City Manager and Department Director of the demoted employee.

4.13 DEMOTIONS – VOLUNTARY AND OTHER

Employees being voluntarily demoted or receiving demotions due to inability to perform the work because of health, or other reasons, may be adjusted to a lower job classification with the approval of the appropriate Department Director(s), Director of Human Resources and the City Manager. The Director of Human Resources shall determine whether the employee is qualified to perform the duties and responsibilities of the lower class position. The demoted employee's new salary shall be determined by consultation between the City Manager, the Department Director and the Director of Human Resources. In any case, if the employee's new salary is above the maximum rate established for the new pay grade, the employee's salary will be frozen until such time as the employee's salary no longer meets or exceeds the maximum of the pay grade.

4.14 RE-ALLOCATION

- a. Reallocation Upward: When an employee's position is reallocated to a higher class, the employee's salary may be adjusted. See section 4.11b.
- b. Reallocation Downward: When an employee's position is reallocated to a class in a lower pay grade, the employee may, at the City Manager's discretion, be permitted to continue at the former rate of pay and receive salary increases to the maximum of the lower grade. If an employee's new pay rate is above the maximum rate established for the new pay grade, the employee's salary may be frozen until such time as there may be a general pay adjustment or the employee is promoted to a higher class.

In instances where there is a significant change to the pay plan, adjustments and implementation will be at the discretion of the City Commission upon recommendations submitted by the City Manager. Should the effective date of the pay grade change be the same as the date an employee has been recommended for a salary increase, the City Manager will determine whether the salary pay increase is to be awarded, depending on the individual situation at the time, and after considering the recommendation of the Department Director and the Human Resources Department.

4.15 TRANSFER

Transfer of an employee from one position to another and/or from one department to another requires the approval of the appropriate Department Director, the Director of Human Resources and the City Manager.

When an employee is transferred to another position in the same job classification, the employee shall receive no change in pay or anniversary dates. Employees transferred to another position in a lower classification or grade, shall be handled in accordance with the rules established for demotions. Requests for such transfers shall show how the employee concerned meets the qualification requirements of the class and/or position to which the transfer is proposed.

Employees transferred to another position in a higher classification or grade, shall be handled in accordance with the rules established for promotions.

Where appropriate, refer to Section 4.09.

4.16 RESERVED

4.17 RESERVED

4.18 SPECIAL COMPENSATION

Following the recommendation of the Department Director and Human Resources, the City Manager shall have sole discretion to approve additional compensation for an employee or classification(s) of employees for providing shift differential, assignment pay, or for the acquisition of a license, certification or skill which is needed by the City. Additionally, when Human Resources determines that an employee or classification(s) of employees are inappropriately compensated, due to marketability factors or inequities within the system, the City Manager can approve additional compensation to rectify the situation(s).

An employee may be temporarily assigned to work in a classification having a higher rate of pay. If the assignment exceeds eighty (80) working hours, the employee shall receive a temporary salary increase of at least 5% for the entire period of the assignment only based on the recommendation of the employee's Department Director, the Director of Human Resources and the approval of the City Manager. This provision shall not affect anniversary dates, salary increase eligibility, promotional eligibility or training assignments.

4.19 CALL-BACK

All eligible employees in classifications which are designated in the pay plan as being eligible for overtime shall be eligible for call-back pay provided the employee is required to return to work on off duty time following the completion of the employee's last work shift including being called in early for an emergency. Employees called back shall be paid one and one-half times their hourly rate, with a minimum of two hours per recall. Callback shall not include scheduled or pre-planned overtime. When called back, compensable time begins when the employee arrives at the applicable City facility or emergency site.

4.20 BUDGET LIMITATIONS

All actions concerned with the payment of salaries in accordance with these Rules are subject to adequate funds being available.

SECTION V

APPLICATIONS AND EXAMINATIONS

5. APPLICATIONS AND EXAMINATIONS

5.01 VACANCY ANNOUNCEMENTS

- a. Vacancies to be filled shall be posted on City bulletin boards, announcing the position title, salary range, qualification requirements, and the time and place for making application.
- b. When past experience or knowledge of labor market conditions indicates a recurring need for eligibles, applicants may be examined and certified as received.

5.02 FILING OF APPLICATIONS

Application for positions shall be as specified in the announcement. The filing of an application for employment shall not confer any expectancy of employment or access to any appeal rights or right to require compliance under these rules. Discrepancies in administration of the rules shall not give right of appeal or objection to any applicant.

Applications may be accepted after the announced date at the discretion of the Director of Human Resources when it is determined to be in the best interest of the City.

5.03 EMPLOYMENT REQUIREMENTS

- a. When an open competitive examination is used, it shall determine the applicant's relative ability to perform the essential functions of the position. In the event that a large number of applicants meet the minimum qualifications, the Department Director and/or the Director of Human Resources may limit the number of persons who will be admitted to the examination or interview based on the qualifications shown on the application.
- b. There shall be no residency requirement for employment in the Employee Service System unless approved by the Director of Human Resources and the City Manager.

5.04 REJECTION OF APPLICATIONS

The Director of Human Resources or designee may reject any application which indicates that the applicant does not possess one or more of the requirements as specified in the public announcement of examination. Applicants may also be rejected if the applicant is unable to perform, with any reasonable accommodations to which they may be entitled, the essential functions of the position to which they seek appointment; in violation of the City's

Substance Abuse Prevention Program; has prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought or poses a possible threat to the safety of other employees and/or citizens; has made false statements of any material fact on the application; or whose past employment record is "unsatisfactory" as determined by the Director of Human Resources.

5.05 POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

Any examination may be postponed or cancelled at the discretion of the Department Director and/or the Director of Human Resources.

5.06 RESERVED

5.07 MEDICAL EXAMINATIONS

The individual selected shall be required to undergo a medical examination and a screening for illegal drug use to determine their ability to perform all essential functions in the position to which the appointment is to be made. Determination of job-related abilities, on the basis of established medical standards, will be made by a physician or physicians designated by the Director of Human Resources.

The individual selected may be requested by the Director of Human Resources to submit a doctor's certificate of good health, in lieu of the medical examination.

5.08 OPEN COMPETITIVE EXAMINATIONS

Examinations may be in written form or may be by interview as appropriate for the position and shall be on a competitive basis.

5.09 METHOD OF RATING

- a. The determination of appropriate written and performance tests, the methods of evaluating experience and training, and of weights to be assigned to various parts of the examination shall be matters of cooperation between the Director of Human Resources and the appropriate Department Director or their designee, so that the examination results represent a proper balance between the specialized knowledge of position requirements possessed by departmental personnel and the specialized knowledge of regulatory requirements and testing methods possessed by the Human Resources Department staff.
- b. In all written or performance tests the minimum performance by which eligibility is achieved will be established by the Director of Human Resources. Minimum performance levels shall be established for the ratings of all parts of the test which consist of several parts. Candidates will be required to attain at least minimum performance on each part of the test in order to receive a passing grade or to be rated

on the remaining parts of the test.

- c. U.S. Armed Forces Veterans shall be given preference points on examinations in accordance with provisions of current Florida Statute.

5.10 NOTIFICATION OF EXAMINATION RESULTS

Applicants who take written examinations shall be notified as to whether or not they passed such examinations. Eligibles shall be advised of their score and relative position on the eligible list, however, in consideration of the factors which may change an eligible's relative standing from time to time, eligibles will not be re-advised of their relative standing except in response to specific inquiry, the reply to which will indicate the standing as of a particular date.

5.11 PROMOTIONS AND PROMOTIONAL EXAMINATIONS

- a. Vacancies in the Classified Service shall be filled by promotion whenever it is in the best interest of the City to do so. Notification of promotional opportunities shall be made in advance by posting announcements on the prescribed bulletin boards.
- b. If it is determined that there will be a promotional examination, the Director of Human Resources shall designate the classification(s) from which the promotion is to be made and shall establish the required period of service in same.
- c. The Director of Human Resources shall conduct competitive promotional examinations and establish an eligible list which shall be used for one year and may be extended for a reasonable period of time as determined by the Department Director and the Director of Human Resources. Certification for promotion from a competitive promotional list shall be in accordance with the provisions of these Rules.

5.12 UNASSEMBLED EXAMINATIONS

- a. Whenever the Director of Human Resources determines that because of the nature of the position or that applicants may not be available in sufficient numbers to justify holding assembled examinations or for other reasons, examinations may be conducted for such classes on an unassembled basis which may be in interview form.
- b. When there are no numerical ratings, the Director of Human Resources may certify all applicants who meet the minimum qualifications as prescribed in the relevant job description.

5.13 UNSKILLED AND SEMI-SKILLED POSITIONS

Unskilled and semi-skilled positions may be filled after such non-competitive tests of essential function abilities as the Director of Human Resources may prescribe.

5.14 INSPECTION OF PAPERS

The Director of Human Resources shall make an applicant's test papers and other examination documents available for one inspection during a period of thirty days after the date of initial certification to the Department Director. A manifest error in rating a test or test procedure shall be corrected if called to the attention of the Director of Human Resources within the inspection period. Such corrections shall not invalidate any appointment previously made from such a list.

SECTION VI

RESERVED

6. RESERVED

SECTION VII

CERTIFICATION AND APPOINTMENT

7. CERTIFICATION AND APPOINTMENT

7.01 PROCEDURE FOR FILLING VACANCIES

When a vacancy in the classified service is to be filled, a Department Director may request that it be filled by original appointment, promotional appointment, provisional appointment, transfer, or demotion; and the Director of Human Resources shall either provide the names of qualified applicants to the Department Director or authorize some other kind of appointment as provided in these Rules.

7.02 DIRECT APPOINTMENT; EXCEPTION TO VACANCY APPOINTMENT PROCEDURES

When the City Manager deems it to be in the best interest of the City; or in order to meet employment obligations imposed by Federal law, State law, court or administrative agency decisions; or for the efficient operation of City Government; or for the efficient delivery of services to the public; or because of a reorganization of a City department or departments; or because of the special knowledge or qualifications of an existing City employee; or because of other reasons deemed by the City Manager sufficient cause to justify such exception; the City Manager may fill a vacancy in the City service by appointment of a present City employee without compliance with the provisions of this Section VII or any other provision of these Rules pertaining to such appointment. The nature of the appointment; i.e., original, promotional, provisional, transfer, demotion or other shall not affect the authority of the City Manager to appoint such present employee in this manner. The City Manager shall cause a written record of the reason for such appointment being made pursuant to the authority of this Section 7.02 to be placed in the permanent personnel file of such employee receiving the appointment.

7.03 CERTIFICATION FROM THE LIST

If a position is to be filled through a competitive process, and there is a written examination, the Director of Human Resources shall certify to the Department Director the names of those applicants who have attained the five highest passing scores on the examination.

If, after one vacancy has been filled from this list, there are fewer than five scores remaining, the Director of Human Resources will add to the list the name(s) of applicant(s) as needed so that there are again five passing scores on the list, unless the examination process has not produced a sufficient number of passing scores for this procedure to be followed.

If there is no written examination, the Director of Human Resources will certify eligibles to the Department Director pursuant to Sections 5.03 and 5.12 of these Rules.

7.04 INCOMPLETE CERTIFICATION

When the number of names available for filling any vacancy is fewer than five, the Department Director may decline certification for that vacancy and request that a new list be established and in the interim that the vacancy be filled by provisional appointment or in any other manner provided by these Rules.

7.05 SELECTIVE CERTIFICATION

- a. A Department Director may recommend necessary or desirable qualifications of candidates for appointment to the position over and above what is prescribed in the position description. The Director of Human Resources may certify only those persons having such qualifications, if the Director of Human Resources deems that the request has offered satisfactory evidence that the nature of the position to be filled warrants such certification.
- b. The Director of Human Resources shall disapprove requests for selective certification that in his/her judgment are made for the purpose of reaching a certain eligible or for the purpose of otherwise circumventing the spirit and intent of the Employee Service System Rules.

7.06 RESERVED

7.07 RESERVED

7.08 TEMPORARY APPOINTMENTS

If an applicant is appointed to a classification temporarily, acceptance of such appointment shall not affect his/her eligibility for appointment to the classification on a regular basis.

7.09 EMERGENCY APPOINTMENT

When an emergency makes it impossible to fill a position in the Classified Service by the normal procedure, the City Manager may appoint or authorize appointment of any qualified person to such position in order to prevent stoppage of public business or loss or serious inconvenience to the public.

SECTION VIII

PROBATIONARY PERIOD

8. PROBATIONARY PERIOD

8.01 OBJECTIVES

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing employee's work, for securing the most effective adjustment of a new employee to his/her position and for rejecting any employee whose performance or conduct is not satisfactory.

8.02 DURATION

- a. Employment Probation: For the purpose of becoming a regular employee (defined in these rules as an employee who has successfully completed a probationary period) and thus having access to the appeal process set forth in Section XIII of these Rules, the employee must successfully complete a minimum of one year of continuous City service (unless extended by the City Manager) in any one or more classified service positions. An employee shall meet this requirement, provided that the employee is not demoted to any lower classification during that probationary period of time, which shall commence at the time of initial probationary appointment.
- b. Classification Probation (i.e., Promotion and Demotion, Transfer, Reassignment): For the purpose of attaining status to a particular class, a minimum probationary period of one year from the date of appointment to that particular class is required. It is intended that an employee will be required to satisfactorily complete a probationary period in any class to which he/she is appointed, notwithstanding the fact that he/she may have attained regular employee status with the City as described in 8.02 a. above. (Refer to section 4.12 regarding demotion during probationary period.)

Any extension of the probationary period must be approved by the City Manager and will be handled in accordance with the City's Performance Evaluation Guidelines.

8.03 DISMISSAL OR DEMOTION DURING PROBATIONARY PERIOD

- a. At any time during the probationary period, a Department Director or Director of Human Resources and the City Manager, may remove an employee if, in the Department Director's opinion, the employee should not be retained in City employment.
- b. A Department Director, subject to the approval of the Director of Human Resources, may demote an employee to a lower class position during the probationary period. Any employee so demoted shall serve a probationary period in accordance with Section 8.02.
- c. There shall be no right of appeal from adverse action taken against an employee during the probationary period described in 8.02 a. above; and there shall be no right of appeal if an employee is dismissed or demoted during any probationary period, if the dismissal or demotion is for disciplinary or non-disciplinary reasons, i.e., if it is based on the employee's failure to perform satisfactorily in the particular class in which he/she is probationary.
- d. Situations involving dismissal or demotion of promoted employees shall be handled in accordance with Section 8.05.

8.04 PROBATIONARY PERIOD REPORTS

The Department Director shall notify the Director of Human Resources in writing whether or not the employee has performed satisfactorily during the probationary period. The employee's probationary period shall continue until such notification has occurred and the City Manager has determined that the employee is suitable for appointment to regular status. If the City Manager determines after the conclusion of the initial or extended probationary period that the employee is not suitable for appointment to regular status, the employee shall be terminated without right of appeal. The City Manager may extend any employee's probationary period for a minimum of 3 months but not to exceed one year if the City Manager determines that appointment to regular status is not warranted at the conclusion of the initial probationary period.

8.05 PROMOTIONS - PROBATIONARY PERIOD

- a. A trial period of a minimum of one year shall be used in connection with promotions in the same manner as a probationary period is used for original entrance appointments.
- b. If, due to failure to perform satisfactorily, a person who has been promoted is not given status in the higher classification during the probationary period following the promotion, the employee shall be entitled to return to his/her former position and rate of pay if there is a vacancy in the lower classification from which the employee was

promoted. The employee will also assume the previous status and complete any uncompleted probationary period that was not completed at the time of promotion. If, however, no such vacancy exists, the employee may be terminated from City employment.

- c. Promotion of classified service employees to exempt positions shall be handled in accordance with Section 2.04.

SECTION IX

9. RESERVED

SECTION X

EMPLOYEE PERFORMANCE APPRAISAL

10. EMPLOYEE PERFORMANCE APPRAISAL

10.01 OBJECTIVE

The Director of Human Resources, in cooperation with Department Directors, shall prepare a system of evaluating the work performance of all personnel in the Employee Service System. The purpose of the employee performance evaluation shall be primarily to inform employees on how well they are doing in their work and how they can improve their work performance. The performance evaluation will also be considered in determining salary increases and decreases, as a factor in determining the order of lay-off, as a basis for training, demotion, transfer or dismissal and for such other purposes as set forth in these Rules.

Evaluations shall be made by one or more supervisors of the employee as determined by the City's Performance Evaluation Guidelines.

10.02 PERIOD OF EVALUATION

All classified service employees shall be formally evaluated annually, with eligibility for a salary increase designated in the current Pay Plan. Probationary and newly promoted or demoted employees shall be formally evaluated at least semi-annually with eligibility for a salary increase designated in the current Pay Plan. If there has been an intervening demotion, the eligibility for a salary increase shall be no sooner than one year from the date of such demotion except demotions due to health reasons or for such reasons as may be determined in the best interest of the City by the City Manager.

10.03 REVIEW WITH THE EMPLOYEE

The evaluator shall discuss each performance evaluation with the employee being evaluated per the City's Performance Evaluation Guidelines.

SECTION XI

SEPARATIONS - NON-DISCIPLINARY

11. SEPARATIONS - NON-DISCIPLINARY

11.01 RESIGNATIONS

To resign in good standing, an employee shall give his/her supervisor at least fourteen (14) consecutive calendar days prior notice. Failure to comply with this rule shall be entered on the service record of the employee and may be considered cause for denying such employee future employment with the City and shall be cause for non-payment for accumulated annual and/or sick leave as per Sections 14.067 and 14.080. An employee who fails to report for work after giving notice, may forfeit his/her payment of accumulated leave. The Department Director, with the approval of the Director of Human Resources, may exempt an employee who has given less than the required notice if in the Department Director's judgment exceptional circumstances warrant such exemption.

No employee shall have the right to unilaterally rescind a resignation. An employee who wishes to rescind his/her resignation, must submit a request in writing to his/her supervisor. The Department Director in consultation with the Director of Human Resources and the City Manager may approve or disapprove the request without explanation. No formal acceptance of a resignation is necessary. If not immediate, the City shall determine the effective date of resignation.

11.02 REDUCTION IN FORCE (LAY-OFF)

When it becomes necessary to reduce a class of employees in a Department or Division because of lack of funds, shortage of work, the abolition of a position because of changes in organization or other causes, employees in that class shall be laid off on the basis of the following.

Employees will be laid off in the inverse order of their length of time in their classification except when a Department Director believes that a certain regular employee is essential to the efficient operation of the department or to the organizational unit because of special skills or abilities, and wishes to retain this individual in preference to a person with greater length of service in the same classification. The Department Director must submit a written request to the City Manager through the Director of Human Resources for permission to do so. This request must set forth in detail the specific skills and abilities possessed by the individual and the reasons why such an individual is essential to the effective operation of the department or the organizational unit. If the Director of Human Resources and the City Manager approves the request, the individual may be retained.

Veterans' Preference in retention will be given to eligible veterans and their spouses in

accordance with Chapter 295 of the Florida Statutes at the time of the reduction in force.

11.03 DISPLACEMENTS RESULTING FROM LAYOFF

Whenever it becomes necessary to lay off employees from the classified service, displacements may occur across departmental units.

Subject to approval of the City Manager and Department Director of units involved, any regular employee who would otherwise be laid off may displace an employee of lesser seniority (total length of service with the City) in the same or lower pay grade provided:

- a. The employee has previously served satisfactorily in the classification of the displaced employee and is certified as capable of continuing to perform in that classification, or
- b. The classification of the displaced employee is at a lower level in the same job series as the classification occupied by the senior employees, e.g. Equipment Operator III, Equipment Operator II, Equipment Operator I is a job series, or
- c. The classification of the displaced employee is at a lower level in a normal path leading to the classification occupied by the senior employee.

The certification of capability to perform in the classification of the displaced employee and normal promotional path shall be determined by the Director of Human Resources in cooperation with the Department Director of the unit affected by the displaced employees.

11.04 NON-WORK ORIENTED DISABILITY AND WORKERS' COMPENSATION

For any good reason, a Department Director may request that the Director of Human Resources have an employee under their jurisdiction examined by a physician designated by the City. If an impairment or serious health condition of any kind is discovered which does not allow the employee to complete the essential job functions or makes continuance on the job a danger to himself or others, the following action shall be taken.

- a. If the impairment or serious health condition is correctable, the City will provide the employee with an opportunity to receive treatment and rehabilitation within a reasonable amount of time. If the employee fails to take steps to have the disability corrected within the specified time allowed by the physician, the employee shall be subject to dismissal.
- b. If, in the opinion of the examining physician, the impairment or serious health condition cannot be corrected or controlled, the appointing authority shall determine if there are reasonable accommodations available that would enable a-an impaired person to perform all the essential functions of the position; or attempt to place the employee in another position which he/she can perform satisfactorily.

If that step cannot be accomplished successfully, the appointing authority may take steps to separate the employee from the City service.

SECTION XII
DISCIPLINARY ACTION

12. DISCIPLINARY ACTION

12.01 INTENT

It is the intent of the Employee Service System that effective supervision and employee relations will avoid most matters which necessitate disciplinary action. The purpose of the Rules, and disciplinary action for violation of such Rules, is not intended to restrict the rights of anyone but to ensure the rights of all and secure cooperation and orderliness throughout the personnel system.

Whenever employee performance, attitude, work habits or personal conduct at anytime fall below a desirable level, the employee's supervisor shall inform the employee promptly and specifically of such lapses. If appropriate, coaching and counseling may be used prior to implementing progressive discipline. The reason for disciplinary action and steps to be taken are outlined in the City's Progressive Discipline Policy.

SECTION XIII
EMPLOYEE APPEALS

13. EMPLOYEE APPEALS

13.01 NOTICE OF APPEALS

A regular employee who has been disciplined by termination, suspension or demotion and has been given written notice shall have the right to appeal the action to the Personnel Review Board following all appeal rights of the City's Progressive Discipline Policy. No right of appeal shall exist for terminations, demotions or other personnel actions which are not disciplinary in nature.

13.02 APPEALS TO THE PERSONNEL REVIEW BOARD

- a. The Personnel Review Board shall hear appeals in cases involving regular employees who have exhausted the administrative appeal procedure prescribed in the City's Progressive Discipline Policy.
- b. The appeal by the employee shall be made within ten (10) working days after delivery or mailing to him/her of the written decision of the City Manager. Said notice of appeal shall be in writing, addressed to the Personnel Review Board and delivered to the Human Resources Department.
- c. The Personnel Review Board shall set a time and a place for a hearing to be held at the earliest practicable date, in all events within thirty (30) days after the receipt of the appeal. The Board shall notify its members, the employee, the Department Director and the Director of Human Resources of the time and place scheduled for the hearing.
- d. Hearings before the Personnel Review Board shall be conducted informally in accordance with the procedures established by the Board and shall not be bound by formal rules of evidence.
- e. The Personnel Review 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 under these Rules.
- f. The Personnel Review Board shall render its written final decision within three (3) working days of the completion of the hearing.
- g. The decision of the Personnel Review Board shall be final. The Board shall not determine the level of discipline but rather the decision shall either confirm, or reject

the administrative action which has been appealed. The decision of the Personnel Review Board shall be filed in the employee's official personnel record.

- h. If the Personnel Review Board rejects the discipline awarded by the City Manager, the City Manager may impose a different level of discipline on the employee, which discipline may be subject to further appeal under the City's Progressive Discipline Policy and this Section.

SECTION XIV

ATTENDANCE AND LEAVE

14. ATTENDANCE AND LEAVE

14.01 HOURS OF WORK

The City Manager shall establish the hours of work in accordance with the needs of the City service and which shall take into account the reasonable needs of the public who may be required to do business with various City departments.

14.02 RESERVED

14.03 OVERTIME

In any department, overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting unusual workloads or deadlines. Overtime may be directed and authorized by department directors and by persons to whom this authority has been delegated, for specific eligible classes of positions in accordance with guidelines approved by the City Manager. In the absence of approved guidelines, a Department Director shall authorize or direct overtime for a particular class of employees only after the approval of the City Manager has been obtained.

14.04 COMPENSATION FOR OVERTIME

- a. Authorized and approved overtime shall be at the rate of one and one-half (1½) times the employee's regular wage rate, for hours worked in excess of forty per work week. For purposes of counting hours worked, holidays, civil, and military leave and administrative leave that is not disciplinary in nature shall be counted, but no other type of leave shall be counted. Annual leave, sick leave, bereavement leave, compensatory time off and any other such leaves are not considered hours worked.
- b. The groups of classes or types of positions which are eligible for overtime compensation shall be in accordance with the Fair Labor Standards Act. Eligible classifications are noted in the City's Pay Plan.
- c. Employees in classifications designated as eligible for overtime may request, and the Department Director may authorize compensatory time leave in lieu of approved overtime pay with the following restrictions.
 1. Up to 60 hours of compensatory time may be accumulated (which includes time and one-half if applicable). Each department shall be responsible for tracking

all compensatory time.

2. Compensatory leave will not be scheduled if, in the judgment of the Department Director, it will affect the manning of departmental operations.
3. Compensatory time will be earned at either straight time or time and one-half for the overtime hours worked. Refer to Section 14.04 (a) of these Rules for computation of the overtime hours.
4. Compensatory time must be charged in one-quarter hour increments.
5. It shall be the responsibility of the Department Director to ensure that the employee's request for compensatory time in lieu of overtime pay is properly documented and that at the time the request is authorized, the compensatory leave is scheduled to be taken as soon as practical after it has been earned. Compensatory time can be accumulated in accordance with the Fair Labor Standards Act. Once compensatory time is elected, the accumulated payment will be made at the time of termination in accordance with the Fair Labor Standards Act.

14.05 HOLIDAYS

Holidays designated as official holidays for City employees are as follows: Veterans' Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King, Jr. Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, and one additional day to be designated by the City Manager.

Whenever a holiday falls on a Sunday, the following Monday shall be considered a holiday. When a designated holiday falls on a Saturday, the preceding Friday will be observed as a holiday. Holidays which occur during annual leave shall not be charged against annual leave. Employees paid on an hourly basis shall receive holiday pay based on the number of hours they would normally be scheduled to work.

Whenever a holiday falls on an employee's regularly scheduled day off, the Department Director shall arrange for alternative scheduling of the holiday hours or the employee shall receive holiday pay.

Whenever an employee works on the holiday, the Department Director shall arrange for alternative scheduling of the holiday hours within the same pay period. If alternative scheduling is not possible, then the employee shall receive holiday pay.

Holiday pay will be paid at straight time for the employee's normally scheduled hours.

An employee who is not on approved leave in a pay status and fails to report on the day before or the day after a holiday shall not be paid for the holiday.

Certain employees because of the nature of their work may be exempted from the provision of this Section with regard to hours of work, overtime pay and holidays. The Director of Human Resources with the approval of the City Manager shall establish these terms of employment as to these employees by administrative memorandum with a copy to be provided to the City Commission.

14.06 ANNUAL LEAVE

14.061 ELIGIBILITY

All classified service employees except those who normally work less than twenty (20) hours per week shall be entitled to earn and accrue annual leave with pay. This will be computed from the most recent date of hire in a regular status position.

Employees in the classified service who work twenty (20) hours or more per week shall be entitled to leave in proportion to the number of hours regularly scheduled.

After completion of six month's continuous service, the employee shall be eligible to use such leave as earned, subject to provisions of these Rules and the approval of the Department Director.

14.062 RATE AT WHICH LEAVE IS EARNED

- a. For employees with less than six (6) full years of continuous service, leave will be earned at the rate of five percent (5%) of scheduled annual hours, which is thirteen (13) days.
- b. For employees who have completed six (6) full years of continuous service, leave will be earned at the rate of 5.38% of scheduled annual hours, which is fourteen (14) days.
- c. For employees who have completed eight (8) full years of continuous service, leave will be earned at the rate of 5.75% of scheduled annual hours, which is fifteen (15) days.
- d. For employees who have completed ten (10) full years of continuous service, leave will be earned at the rate of 6.15% of scheduled annual hours, which is sixteen (16) days.
- e. For employees who are classified as Department Directors, Assistant Department Directors and others designated by the City Manager will earn annual leave at the same rate as paragraph D above, (6.15% of scheduled annual hours worked, which is sixteen (16) days).

- f. For employees who have completed fifteen (15) full years of continuous service, leave will be earned at the rate of 7.69% of scheduled annual hours worked, which is twenty (20) days.
- g. For employees who have completed twenty (20) full years of continuous service, leave will be earned at the rate of 9.23% of scheduled annual hours worked, which is twenty four (24) days.

14.063 CHARGING ANNUAL LEAVE

For the purpose of accounting:

- a. Leave shall be charged to the employee for the actual time the employee is away from work.
- b. The minimum amount to be charged to annual leave will be charged in one quarter hour minimum increments.
- c. Charging annual leave for exempt employees, who are designated in the City's Pay Plan, will be handled in accordance with the Fair Labor Standards Act (FLSA).

14.064 REQUEST FOR ANNUAL LEAVE

The request for annual leave shall be submitted to the employee's Department or Division Director. Annual leave may be taken only after approval by the appropriate Department Director or person to whom this authority has been delegated. Leave may be used only as earned and annual leave with pay shall not be allowed in advance of being earned unless granted by the City Manager in emergency situations.

14.065 RESERVED

14.066 ACCUMULATION OF ANNUAL LEAVE

It is the intent of these Rules to allow employees to take their annual leave yearly for the period in which it was earned. Employees carrying excess leave should be afforded the opportunity to use the excess leave.

A total of one hundred sixty (160) hours of annual leave is the maximum that may be carried over from one fiscal year to the next.

The City Manager or Department Director may require the use of vacation leave of not less than forty (40) continuous hours per year.

14.067 PAYMENT OF UNUSED ANNUAL LEAVE

Employees separated from City service shall be paid in a lump sum for all unused annual leave, except when the employee fails to give proper notice of resignation as provided in Section 11.01 of these Rules. Leave will be paid at the employee's normal base rate of pay. Probationary employees are not eligible for any leave payments for earned annual leave, should their employment with the City terminate during their first six months of service, for whatever reason. Employees separated for cause are not eligible to receive any leave payments for accrued annual leave.

14.07 SICK LEAVE

14.071 ELIGIBILITY

All classified service employees except those who normally work less than twenty (20) hours per week shall be entitled to accrue sick leave with pay. This will be computed from the most recent date of hire in a regular status position.

Employees in the classified service who work twenty (20) hours or more per week shall be entitled to leave in proportion to the number of hours regularly scheduled.

Employees shall be eligible to use such leave as earned, subject to provisions of these Rules and the approval of the Department Director.

14.072 RATE AT WHICH SICK LEAVE IS ACCRUED

Sick leave with pay shall be accrued at the rate of five percent (5%) of scheduled annual hours.

14.073 CHARGING SICK LEAVE

For the purpose of accounting:

- a. Sick leave shall be charged to the employee for the actual time the employee is away from work.
- b. Sick leave will be charged in one quarter hour minimum increments.
- c. Charging sick leave for exempt employees, who are designated in the City's Pay Plan, will be handled in accordance with the Fair Labor Standards Act (FLSA).

14.074 REQUEST FOR SICK LEAVE

To receive compensation while absent on sick leave, the employee shall notify their immediate supervisor prior to the start of their shift unless an emergency situation precludes such notice. Emergency situations can be addressed on an individual basis by each supervisor. This standard shall not be interpreted to waive a stricter standard established by a Department. A Department Director has the right to hold an employee to a stricter standard if necessary to the effective operations of the Department or its subdivision.

14.075 USE OF SICK LEAVE

Sick leave may be granted for the following purposes:

- a. Employee's personal injury or illness.
- b. Necessary appointments with physicians or dentists.
- c. Exposure to a contagious disease which would endanger others.
- d. Illness of a member of the employee's immediate family which requires the personal care and attention by the employee. For purposes of this section, immediate family is defined as the employee's: (a) spouse, (b) domestic partner, (c) father, (d) mother, (e) son, (f) daughter, (g) any individual for whom the employee is the legal guardian.

14.076 ACCUMULATION OF SICK LEAVE

There shall be no limit on the amount of sick leave that can be accumulated.

14.077 CERTIFICATION BY A PHYSICIAN

An employee may be required by their Department Director or Division Director to submit a certificate from a qualified licensed physician concerning their ability to perform all essential functions of their position without endangering themselves and/or others.

When it is determined that an employee's request for sick leave is not justified, the value of the absent time may be deducted from the employee's pay or accrued annual leave.

An employee may be required to undergo a medical re-examination to determine his/her ability to perform all essential functions of their position without endangering themselves and/or others for the position. When an employee of the City is reported by the examining physician to be unable to perform the essential functions in the position which he/she is employed, such employee may elect to submit the question of his/her physical or mental abilities to a physician of his/her own choice. The Director of Human Resources shall establish a time limit for taking the examination and receipt of the determination by the physician the employee has selected. In the event there is a difference of opinion between

the examining physician and the physician chosen by the employee, then a third physician deemed acceptable to both the City and the employee will render an opinion, within a timeframe established by the Director of Human Resources as to the ability of the employee to perform the essential functions of the position. Employees shall pay their own physician for a requested second opinion and the third physician shall be paid by the City.

An employee finally determined to be unable to continue in the position in which he/she is employed and for which no reasonable accommodation can be made to enable them to perform the essential functions may be demoted in accordance with these rules or separated from the City service.

14.078 WHEN ACCRUED SICK LEAVE IS EXHAUSTED

When an employee's accrued sick leave is exhausted and the employee is away from work because of sickness, the employee shall be advanced sick leave as needed up to an amount equal to the accumulated annual leave. If the employee has exhausted his/her annual leave, he/she may request to be placed on leave without pay status as provided for in these Rules and such leave is granted pursuant to Section 14 of these Rules. Annual leave so encumbered may not be subsequently used until such time as the employee's sick leave account is in balance.

14.080 PAYMENT OF UNUSED SICK LEAVE

- a. Employees separated or retired from the City service after years of continuous service shall be paid a portion of their remaining accrued sick leave at the time of separation or retirement as follows except when the employee fails to give proper notice of separation as provided in Section 11.01 of these Rules.

5 years of continuous service - 25%

10 years of continuous service - 30%

15 years of continuous service - 40%

20 years of continuous service - 50%

Employees separated for cause are not eligible to receive any leave payments for accrued sick leave.

- b. To be eligible for payment of unused sick leave, an employee must have a minimum balance of 160 hours in the sick leave account.
- c. The maximum amount of hours paid will not exceed 800 hours of sick leave.

14.09 MILITARY LEAVE

Military Leave shall be as provided by State and Federal law.

14.10 CIVIL LEAVE

- a. An employee shall be given time off without loss of pay for the actual time an employee is away from work when performing jury duty, when subpoenaed to appear before a court, public body or commission, or when performing emergency civilian duty in connection with national defense. Employees who do not return to work following this Civil “duty” and who are not on other approved leave or who have not been otherwise directed by their supervisor, will be considered absent without approved leave and will be handled in accordance with the City’s Progressive Discipline Policy.
- b. Witness fees received for service performed in the line of duty while the employee is on full pay status shall be turned over to the City. The employee shall provide the Department Director with evidence in the form of a copy of subpoena or summons.
- c. Leave for court attendance when the employee is the defendant or engaged in personal litigation shall be charged to the employee's annual leave account. If the employee has exhausted his/her annual leave, he/she may request to be placed on leave without pay status as provided for in these Rules and such leave is granted pursuant to Section 14 of these Rules.
- d. Civil Leave shall be given to any employee named in a lawsuit related to their City employment when acting in their scope of employment and in the absence of gross negligence for the purpose of attending required court appearances or other proceedings as requested by the City Attorney.

14.11 RESERVED

14.12 RESERVED

14.13 RESERVED

14.14 LEAVE WITHOUT PAY

Subject to approval by the department director and Director of Human Resources, an employee who has exhausted all available leave may request leave without pay for less than thirty (30) calendar days for Family and Medical Leave Act (FMLA) or for unusual or extenuating circumstances and in situations where the department operations will not be impaired. During the thirty (30) calendar days the employee shall continue to accrue annual and sick leave.

14.145 LEAVE OF ABSENCE

Following the completion of Leave Without Pay, as provided in Section 14.14, a Department Director, with the approval of the Director of Human Resources and the City Manager, may grant an employee a Leave of Absence without pay up to one (1) year in length for FMLA or for, circumstances warranting such action which are beneficial to the City. When Leave of Absence is granted the following conditions shall apply:

- a. Merit pay increases may not be credited during leave of absence.
- b. An employee shall return from Leave of Absence to the same salary as the time of commencement of leave, but no less than the minimum of the pay range in effect at the time of reinstatement.
- c. Retirement credit may be maintained if allowed in the plan in operation, provided the employee pays both his/her and the City's share of the retirement plan premiums.
- d. Insurance benefits may be maintained, provided the employee pays the total cost of the insurance premiums.
- e. An employee returning from a Leave of Absence shall be entitled to employment in the same department in the same or equivalent position wherein employed when leave began.
- f. An employee on Leave of Absence shall not earn annual or sick leave while on leave.
- g. An employee on Leave of Absence shall not receive any pay for holidays that occur during the period of the leave of absence.

14.15 AWOL (ABSENCE WITHOUT LEAVE)

An absence of an employee from duty, including any absence for any single day or part of a day, that is not authorized by specific grant of leave under the provisions of these Rules shall be deemed to be an absence without leave. Any such absences shall be without pay and may be subject to disciplinary action in accordance with the Progressive Discipline Policy. Any employees who absent themselves for three consecutive days without approved leave shall be deemed to have resigned.

14.16 WORKERS' COMPENSATION LEAVE

An employee who is temporarily disabled in the line of duty may receive full pay for the period of the disability without charge against annual or sick leave, subject to the following steps:

- a. The disability must have resulted from an injury or an illness sustained directly in the

performance of the employee's work, as provided in the State Workers' Compensation Act.

- b. If incapacitated for their regular position, the employee may be given other duties with the City service for the period of recuperation, if practical. Unwillingness to accept such an assignment as directed by the Department Director or the Director of Human Resources will make the employee ineligible for Workers' Compensation leave during the time involved.
- c. A physician selected by the Director of Human Resources will be used to determine the physical ability of the employee to continue working or to return to work.
- d. Workers' Compensation Leave with full pay, not to exceed ninety (90) consecutive working days for any one injury, would then be allowed the employee, when recommended by the Department Director and approved by the Director of Human Resources.

14.17 BEREAVEMENT LEAVE

Employees shall be granted time off with pay in the event of a death or interment in their immediate family as follows:

- a.) Five (5) days for the employee's: spouse, domestic partner, father, mother, son, daughter, brother, sister, or any individual for whom the employee is the legal guardian. Time off will be granted for the two days before, the day of, and the two days after the funeral.

Bereavement Leave may be granted immediately for a maximum of five (5) consecutive calendar days if the funeral cannot be attended by the employee because of distance or other hardship circumstances or if there will be no services.

- b.) Three (3) days for the employee's: father-in-law, mother-in-law, grandparent, great grandparent, grandchild, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-parent, step-child, uncle, aunt, niece, nephew, step-brother, step-sister, half-brother, half-sister. Time off will be granted for the day before, the day of, and the day after the funeral.

Bereavement leave shall not be charged to annual or sick leave. Computation of leave shall be based on consecutive calendar days, including weekends and holidays whether worked or not. Bereavement pay will be paid at straight time for the employee's normally scheduled hours. The employee shall provide the Department Director with evidence of the death or funeral services.

SECTION XV

EMPLOYEE RELATIONS

15. EMPLOYEE RELATIONS

15.01 EMPLOYEE WELFARE

The Director of Human Resources shall cooperate with appointing authorities, employees, department directors and others, to promote measures directed toward more sanitary, safe and healthful working conditions; and toward any other means of bettering the working conditions and improving the morale of City employees.

15.02 RESERVED

15.03 SUGGESTIONS

The Director of Human Resources, with the approval of the City Manager, may establish and notify employees of a system for the receipt, acknowledgment, recording and action on suggestions of employees for improving the City service. Cash awards for accepted suggestions may be made in accordance with appropriations for that purpose in the annual budget.

15.04 RESERVED

15.05 EMPLOYEE COMPLAINTS AND GRIEVANCES

Disciplinary actions, performance appraisals, dismissals, demotions, suspensions, reductions in pay, position classifications and allocations shall not be subject to review as grievances. Other complaints and grievances which an employee may have because of an action affecting the status or conditions of employment shall be handled in the procedure outlined in this Section including non-disciplinary dismissals, non-disciplinary demotions, or non-disciplinary transfers.

15.051 PURPOSE

The primary purpose of a grievance procedure shall be to determine what is right rather than who is right. An employee may file a grievance without prejudice. Free discussion between employees and supervisors will lead to a better understanding by both of practices, policies and procedures which affect employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike shall recognize the true purpose of a grievance procedure if it is to be of value in promoting the well being of the City service.

15.052 DEFINITION OF A GRIEVANCE

A grievance is a complaint, a view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees.

15.053 PROCEDURE FOR PRESENTATION OF A GRIEVANCE

- a. An employee having a complaint, view or opinion supported by facts, pertaining to employment conditions or relationships with his/her immediate supervisor or other employees shall first discuss the matter with the immediate supervisor. The supervisor, if not a department director or division director, may contact the department or division director for advice and counseling and an answer shall be given to the employee within three (3) working days. If the employee is not satisfied with the answer, the employee shall follow the next step in the procedure.
- b. If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if the decision has not been made by the immediate supervisor within three (3) working days, the employee may submit the grievance to the department director in writing. The department director, within five (5) working days, shall render a written decision which shall state the problem, the applicable policy or regulation, and the reasons for applying the policy and the decision. Copies of the department director's decision shall be forwarded to the employee, his/her immediate supervisor and the Director of Human Resources. If not satisfied with the answer, the employee shall follow the next step in the grievance procedure.
- c. The employee may then submit the grievance to the City Manager in writing. The City Manager shall put in writing the decision rendered concerning the grievance, within thirty (30) calendar days from the receipt of the written grievance from the employee. The failure of the City Manager to render the decision within the thirty (30) calendar day period shall be deemed a denial of the grievance. The decision of the City Manager shall be final and the employee shall have no further rights of administrative appeal.

SECTION XVI
RECORDS AND REPORTS

16. RECORDS AND REPORTS

16.01 PERSONNEL TRANSACTIONS

All appointments, separations and other personnel transactions shall be made on the forms designated by the Director of Human Resources.

16.02 PAYROLL CHANGES

A payroll change shall not take effect until the personnel action request has been approved by the Director of Human Resources and the City Manager.

16.03 DESTRUCTION OF RECORDS

Employee personnel records, either in original or copies, shall be maintained in accordance with the records retention schedule established by the City Clerk.

SECTION XVII

RESERVED

17. RESERVED

SECTION XVIII

RESERVED

18. RESERVED

SECTION XIX
SAVINGS CLAUSE

19. SAVINGS CLAUSE

If any article or section of these Rules should be found invalid, unlawful, or not enforceable, by reason of any existing or subsequently enacted legislation or by judicial authority, all other articles and sections of these Rules shall remain in full force and effect.

SECTION XX

REPEAL CLAUSE

20. REPEAL CLAUSE

All existing City rules in conflict with the provisions of these Rules are hereby repealed insofar as the same conflict with the provisions of these Rules.

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