



RULES & REGULATIONS

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Civil Service

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CIVIL SERVICE RULES AND REGULATIONS

RULE I GENERAL PROVISIONS

Section 1: ORGANIZATION OF THE CIVIL SERVICE BOARD

At the first regular meeting following the selection of the Board members by the City Commission, members of the Board shall meet to organize and to adopt the necessary procedures for the conduct of their meetings. The Board shall have those duties which are outlined by the charter provisions relating to Civil Service and shall perform such functions as are required of them and not specifically delegated to other boards, commissions, or units of city government.

Section 2: DEPARTMENTAL RULES AND REGULATIONS

Department Directors may establish rules and regulations on departmental personnel operations as are consistent with the City Charter provisions and the rules and regulations adopted by the Board.

Section 3: DIRECTOR OF HUMAN RESOURCES

The Director of Human Resources or designee shall be the executive secretary of the Board and shall perform the functions required by the charter and authorized by rules adopted by the Board.

Section 4: PROHIBITION

- (a) Non-Discrimination. No person in City service or applicants for positions in the city service shall be recruited, appointed, promoted, reduced, or removed or in any way favored or discriminated against on the basis of their race, color, religion, political affiliation, sex, sexual orientation, gender identity or expression, marital status, familial status national origin, age, disability or any other protected status under controlling federal, state, or local law or ordinance.
- (b) No person shall willfully or corruptly make or perpetuate any false statement, certificate, mark, rating, or report in regard to any test, certificate, promotion or appointment held or made under the municipal personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the personnel rules. No person seeking appointment to or promotion in the city service shall either directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or on account of or in connection with his/her test, appointment, proposed appointment, promotion, or proposed promotion. Such act(s) will cause the rejection of application and/or termination of both the person committing the act and the person benefitting by the act.

Section 5: **AMENDMENT AND REVISION OF RULES**

Amendments and revisions of these Rules shall be initiated by the Director of Human Resources and such amendments shall be adopted according to the procedure established by Chapter 62-339 of the City's Code of Ordinances.

Section 6: **ADMINISTRATIVE REGULATIONS**

The Director of Human Resources shall establish, amend and rescind Administrative Regulations for the routine or special conduct of personnel matters, which Regulations shall not conflict with the City Charter or these Rules.

RULE II THE CLASSIFIED SERVICE

Section 1: **JURISDICTION**

The jurisdiction of the Civil Service Board shall extend only to those positions falling within the Classified Service, as defined in Chapter 62, Article IV, Section 62-336 of the City's Code of Ordinances.

Section 2: **CLASSIFIED SERVICE DIVISION**

The Classified Service shall be divided into the competitive division, the non-competitive division and the labor division.

- (a) The **Competitive Division** shall include all positions now existing or hereafter created for which it is practicable to determine the merit, fitness, and aptitude of the applicants by competitive assembled tests, either original entrance or promotional.
- (b) The **Non-Competitive Division** shall include those positions which require peculiar and exceptional qualifications of a scientific, managerial, professional or educational character for which it is practicable to determine the relative qualifications of individual candidates and to establish an eligible list without the necessity of an assembled competitive examination, either original entrance or promotional.
- (c) The **Non-Competitive Division** shall also include those positions in the labor classifications for which it is impracticable to hold competitive assembled tests, but which are filled by appointment from a list of applicants registered by the Human Resources Department. Applicants for such positions shall be required to furnish such evidence or take such tests as may be deemed proper with respect to physical condition, industry, capacity, experience and character.

RULE III THE POSITION CLASSIFICATION PLAN

Section 1: PURPOSE

It is the purpose of the Position Classification Plan to provide an orderly inventory and appraisal of positions in the City service so that the following ends may be attained:

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

Section 2: PREPARATION OF THE PLAN

The Director of Human Resources shall survey and record the duties and responsibilities of all positions in the Classified Service and, after consultation with department directors and principal supervisors, shall recommend a Classification Plan covering all such positions. This plan shall consist of a grouping of positions substantially similar in duties and responsibilities, appropriate and descriptive titles for each class of positions, and written position or job descriptions which shall describe the typical duties and responsibilities characteristic of the positions in the classes and which specify the training, experience, and other qualifications to be required of applicants for positions in each class.

Section 3: POSITION DESCRIPTIONS INTERPRETED

The descriptions for the various classes of positions in the Classified Service shall have the following force and effect:

- (a) They are descriptive and explanatory and are not exhaustive. The use of a particular expression or illustration as to duties, qualifications or attributes shall not be held to exclude others not mentioned if such others are similar as to kind or quality.
- (b) In determining the allocation of a given position, the descriptions shall be considered as a whole. Consideration shall be given to the general duties, specific examples, responsibilities, desirable entrance qualifications, and relationship to other classes as affording an inclusive picture of the employment the class is intended to embrace.
- (c) The statement of duties is not intended to prescribe what specific duties shall attach to a given position or to limit the power of the department director to modify or alter detailed tasks involved in the duties of any position. When a substantial change in the duties is made, except for a temporary period or by the addition of duties which are incidental to the main employment, such change shall be reported to the Director of Human Resources with view to

a possible re-classification of the position. The fact that the actual tasks performed do not appear in the descriptions shall not imply that the position is necessarily excluded from the class, provided that the tasks constituting the main work are duly covered.

Similarly, any example cited, taken with reference to the statement of typical duties and the qualifications required, shall not be construed as finally determining whether a position shall be included within the class.

Section 4: ADOPTION AND AMENDMENT OF THE PLAN

Before becoming effective, the Position Classification Plan shall be approved and adopted by resolution of the City Commission as indicated in Chapter 62, Section 62-51 of the City Code of Ordinances. Thereafter, its provisions shall be observed in handling all personnel transactions and activities. When changes in City organization or operations require the creation of new classes of positions or other amendments to the position Classification Plan, these shall be adopted according to the same procedure established for the original adoption of the plan.

Section 5: ALLOCATION OF POSITIONS TO CLASSES

- (a) After adoption of the Classification Plan by the City Commission, the Director of Human Resources shall allocate every position in the Classified Service to one of the classes established by the plan.
- (b) New positions in the Classified Service and positions which have so changed in work content as to require allocation to a different class shall be so reallocated in accordance with the same procedure established for original allocation of positions.
- (c) Employees incumbent in positions so reallocated or reclassified shall automatically retain their status where the duties of such old and new positions are of an over-lapping or closely related nature, and the compensation of no employee so transferred shall be reduced thereby. If, however, a position is reallocated to a higher class because of changed duties or responsibilities, the incumbent may be required by the Director of Human Resources to demonstrate fitness by passing a non-competitive examination or may be transferred to a vacant position in the class to which his/her position was formerly allocated, or his/her name shall be placed on the reemployment list for the class to which his/her position was formerly allocated. Reallocations of positions to higher classes shall be subject to the approval of the City Administrator.

Section 6: MAINTENANCE OF THE CLASSIFICATION PLAN

- (a) New positions to be created in any department or division shall be reported to the Director of Human Resources and he/she shall study the duties and the responsibilities of such new positions to provide a basis for determining the proper classification of such new positions.

- (b) Department directors shall report to the Director of Human Resources the addition of new assignments or the taking away of old ones which may affect the duties and responsibilities of any position if it is believed that such changes will be permanent. The Director of Human Resources shall investigate such changes in order to provide a basis for determining the effect of such changes upon the classification of the position.
- (c) The Director of Human Resources shall effect periodic investigations of any and all positions in order to determine changes in duties and responsibilities of any position which may affect the status of the Classification Plan.
- (d) An employee may at any time make a request in writing to the Director of Human Resources for a review of the allocation of his/her position. This request shall set forth the employee's reasons for the review and if such reasons appear to be substantial, the Director of Human Resources shall make an investigation of the position with a view to determining the correctness or incorrectness of the allocation and the adjustment necessary.

RULE IV EXAMINATIONS

Section 1: CONTENT OF EXAMINATIONS

- (a) Examinations may consist of any, all, or a combination of the following tests designed to test fairly and impartially the relative qualifications of applicants to discharge the duties of the class in which they seek appointment.
 - 1) Written test
 - 2) Oral test
 - 3) Performance test
 - 4) Physical and medical test
 - 5) Evaluation of training and experience
 - 6) Seniority
 - 7) Any other selection process which will fairly measure the relative abilities of individuals competing in examinations.
- (b) The Director of Human Resources shall determine whether the examination will be of a competitive or non-competitive nature.
- (c) The Director of Human Resources shall determine, subject to appeal to or specific action by the Civil Service Board, the content of any examination and the order of weights to be assigned to any portion of the examination.

Section 2: NOTICE OF EXAMINATION

Examinations may be publicized through newspapers of general circulation, radio, other advertising media, posting of bulletins, City employment website or other appropriate means designed to bring examinations to the attention of present City employees and other prospective applicants. All persons applying for an examination shall complete a standard application form or application form designed particularly for the examination or class of position.

Section 3: ELIGIBILITY FOR EXAMINATION

- (a) The Director of Human Resources shall make such investigation as he/she deems necessary in determining that the applicant meets the established requirements for the class and for admission to the examination and may make an investigation of his/her employment record, education record, criminal record, motor vehicle record, character references or other information as he/she may deem pertinent.
- (b) The Director of Human Resources may reject any application or applicant when he/she has determined:
 - 1) That the application was not filed within the period specified in the examination announcement or was not filed on the prescribed form.
 - 2) That the applicant lacks any of the required qualifications set forth in the examination announcement.
 - 3) That the applicant is physically unfit to perform effectively the duties of the position in which he/she seeks employment.
 - 4) That the applicant had been convicted of a misdemeanor involving moral turpitude or of a felony provided the sentence has not been completed or the parole period has been violated.
 - 5) That the applicant has made a false statement of a fact, omits statements of fact or practices or attempted to practice any fraud or deception on his/her application or test or in attempting to secure appointment, or, if appointed, may cancel the certification and in effect cancel the appointment.
 - 6) That the applicant was previously in the City service and was removed for cause or resigned not in good standing.
 - 7) That the applicant, after notification, did not promptly present himself at the time and place designated for the examination.
 - 8) That the applicant has a work record from previous employment not consistent with the standards expected of a City employee.

- (c) It shall be the duty of the Director of Human Resources to secure applicants with qualifications that best meet the employment needs of the City.

Section 4: PROMOTIONAL EXAMINATIONS

- (a) The Director of Human Resources may conduct promotional examinations as deemed necessary in order to fill existing or anticipated vacancies in the Classified Service. Eligibility to compete in a promotional examination is limited to those persons who have satisfactorily completed their initial employment probationary period and are in a class which the Director of Human Resources has declared to be among those from which promotion can be made. An eligible class shall be one in which employees would have gained experience which would be qualifying for the higher position.
- (b) Regular employees who receive a passing grade in promotional examinations shall have a credit for continuous City service added to such grade which shall be computed as follows:

One-fourth of one point (1/4 or 0.25) shall be added for each full year of uninterrupted service, as of the closing date of promotional announcement, up to a maximum of five (5) points.

Section 5: ESTABLISHMENT OF PASSING MARK

- (a) Minimum Grades on Each Section: The Director of Human Resources shall determine the minimum qualifying grade for any part or parts of an examination. Any applicant who fails to attain this minimum grade shall be considered to have failed the examination and shall not be examined on any further parts, if any are planned.
- (b) Rating Examinations: Appropriate scientific techniques and procedures shall be used in rating results of examinations and in determining the relative ratings of the candidates. Final examination grades shall be expressed in percentages and seventy (70) percent will be the normal required passing grade. The passing grade for a specific examination may be altered by the Human Resources Department if statistical and psychometric techniques indicate a more appropriate passing grade. Veteran's preference or other credit shall be in addition to the minimum of 70 percent, and may not be used to attain this minimum grade.
- (c) In the event that medical and physical examinations have not been completed for all applicants, eligibility for employment shall be contingent upon satisfactory passing of the medical and physical examinations.
- (d) Names of candidates shall be placed on the eligible list in order of their relative grades in the examination.

Section 6: APPEAL FROM RESULTS OF EXAMINATION

After the adoption and filing of the report of any examination, the Human Resources Department shall advise each candidate by mail as to the result of his/her examination. Within ten (10) days after the mailing of said notice, a candidate receiving such notice may, in the presence of the Director of Human Resources or a designee, inspect his/her examination papers. An appeal may be made to the Board if, in his/her opinion, injustice has been done him. Any such appeal must be in writing and shall specify particularly and in detail the cause of complaint. Such appeal will be considered by the Board and, if necessary, the Board will direct the revision of the marking or grading of the candidate's papers.

Only where reasonable extenuating circumstances exist, as determined by the Director of Human Resources, will a candidate be allowed to inspect his/her examination papers after the above specified ten (10) day time limit has elapsed. Employees in the Classified Service who are unable to inspect their examination papers in the above specified ten (10) day time limit because of being on sick or annual leave or other approved leave with or without pay, may inspect their examination papers within ten (10) days after their return to duty.

RULE V ELIGIBILITY LISTS

Applicants who have successfully demonstrated the minimum qualifications and required knowledge, skills and abilities for Civil Service positions within City government shall have their name placed on an eligibility list certified by the Director of Human Resources. Eligibility lists indicate only that the applicants have demonstrated meeting the minimum qualifications for the subject classification, and placement of a name on a list in no way indicates any obligation on the part of the City to hire the applicant at any time.

(a) Eligibility lists shall consist of the following:

- (1) Re-employment lists
- (2) Promotional lists
- (3) Open Competitive lists

Names on an open competitive eligibility list shall be removed from said list upon filling the position upon which the list was created. The Director of Human Resources may extend the expiration of eligibility in order to meet the employment needs of the City. Names placed on reemployment lists due to layoff procedures shall remain for a period of two years unless reemployed or removed subject to Rule X, Section 2d. The Director of Human Resources may extend the expiration date of names on any list until the next regular meeting of the Board, at which time the Board shall, (1) extend the expiration date of names on the list for a period not to exceed one year from original expiration date, or, (2) remove the names from an eligibility list.

- (b) Nothing contained herein shall prevent a person whose name has been removed from an eligible list because of the expiration of time as set forth above, from taking a subsequent examination and, if successful, having his/her name placed on an eligibility list.
- (c) Upon request and with the approval of the Director of Human Resources, applicants on an open competitive eligibility list may be hired for a position in a similar class at the same or lower level which has substantially the same qualifications and required knowledge, skills, and abilities.
- (d) The Director of Human Resources may provide for the combination of an open competitive eligibility lists resulting from different examinations. The Director of Human Resources may also authorize the re-advertisement of positions or continuous recruitment for positions at whatever interval is necessary to meet the employment needs of the City.
- (e) Order of Eligibility Lists: Appointments to a position may be made from any valid list. However, re-employment lists shall take precedence over promotional or open list.
 - (1) Re-employment list
 - (2) Promotional list
 - (3) Open Competitive list

Upon request for certification of names, the higher ranking of these lists for the class of position determined appropriate by the Director of Human Resources shall be used. All names shall be exhausted from such lists through appointment or declination of appointment before names on the next lower ranking list can be certified.

In the event there are less than three (3) names on the open competitive list that are available for employment, the department may select to post/re-advertise the position. The department director may make his/her selection of a person not on the eligible list and make provisional appointment of that person providing he/she or she meets the requirements for the class of positions. The Director of Human Resources shall certify all the names on the appropriate eligibility list and the department director must and is privileged to make his/her appointment from any names on the list subject to the expectations outlined herein.

- (f) Certification from the List: Upon receipt of a valid requisition for an eligible person to fill a vacancy, the Director of Human Resources shall certify to the requesting department director the names and addresses of those eligible on the list for the class who have indicated willingness to accept appointment in accordance with the order of lists above.

RULE VI APPOINTMENTS AND SEPARATIONS

Section 1: TYPES OF APPOINTMENTS

All vacancies in the Classified Service shall be filled by appointment from eligible lists established by the Director of Human Resources, which shall include Re-employment Lists, Promotional Lists and Open Lists. In the absence of an appropriate list, Provisional appointments may be permitted in accordance with the City Charter and these Rules.

Section 2: NOTICE TO DIRECTOR OF HUMAN RESOURCES

Whenever vacancies in the Classified Service are to be filled, the department director shall submit a personnel requisition to the Director of Human Resources stating the titles and duties, the number of vacancies to be filled, the necessary and desirable qualifications, and other pertinent information relating to the positions to which appointments are to be made.

Section 3: CERTIFICATION OF ELIGIBLES/TRANSFERS

Upon receipt of a request for certification of eligibility, the Director of Human Resources shall forward the names of present employees who have requested a transfer. If it shall be found to be undesirable or impracticable to make transfers of present employees to fill such vacancies, then the Director of Human Resources shall make certification from eligible lists as provided in Rule V.

Section 4: PROVISIONAL EMPLOYMENT

Employment in the absence of an eligible list shall be defined as provisional employment in accordance with the Charter provisions. Provisional employment must be terminated within fifteen (15) days after establishment of an eligible list and in the continued absence of a list cannot remain in effect for a longer period than six (6) months. No person is eligible to serve under provisional employment for longer than six (6) months from the date of appointment.

Section 5: TRANSITIONAL EMPLOYMENT

Transitional employment signifies employment available through Federal or other special funding in a position sufficiently similar in duties and responsibilities to a like classification in regular City employment so that the same descriptive title and salary range may apply, but which shall be maintained as a separate transitional classification. Transitional employees will have the opportunity for transfer or promotion to a regular position in the City's work force in the classified service through regularly established civil service procedures.

Section 6: RESIGNATION

- (a) Any employee wishing to leave the classified service in good standing shall file with his/her department head, at least two (2) weeks before leaving, a written resignation, stating the date the resignation shall become effective and his/her reason for leaving. Failure to comply with these procedures may be the cause for denying the person future employment by the City.
- (b) An employee who has resigned from employment in the Classified Service of the City may only reenter the Service through original entrance procedures and upon rehire by the City is not entitled to any seniority credits, as provided in these rules, earned through prior service.

Section 7: REINSTATEMENT

Any regular employee who resigned his/her position while in good standing and without fault or delinquency on his/her part may apply within one (1) year of the date of his/her resignation for reinstatement within the Classified Service of the City. Reinstatement may be made to a vacancy in a class in which he/she was formerly employed or a related class as determined by the Director of Human Resources. Such request for reinstatement must be initiated in the same manner as provided for certification from eligible lists. An employee may be reinstated at the rate of pay as he/she occupied at the time of his/her resignation or may be reinstated at such lower rate as recommended by the Department Director and approved by the City Administrator.

Reinstatement shall be to regular status; however, employees who are reinstated under provisions of this Rule shall not be eligible to compete in promotional examinations for a period of six (6) months after resuming duties with the City. Request for reinstatement as provided for in this Rule must be made in writing and reinstatement effected within one (1) year following date of resignation.

Reinstatement from layoff: Any regular employee who was laid off or voluntarily resigned his/her position while in good standing in lieu of layoff, and who is subsequently reinstated under the provisions of these Rules shall be eligible to compete in promotional examinations upon reinstatement. The determination of accrued seniority upon reinstatement is defined in Rule VIII, Section 3.

RULE VII PROBATIONARY PERIOD

Section 1:

A probationary period shall be required and no person shall gain Regular Status who has not successfully completed a six (6) months probationary period.

Section 2:

After certification and appointment from an eligible list, an individual employee shall begin to serve his/her probationary period, the length of which shall have been established by Section 1 of this Rule.

Section 3: EXTENSION OF PROBATION

The department director may request an extension of the probationary period for an employee for a specific length of time which may not include a total length of probation of more than twelve (12) months. The Civil Service Board shall review this request and unless good reason is found to the contrary, it shall be approved.

Section 4: EFFECT OF PROVISIONAL STATUS

The beginning of the probationary period shall start only after appointment from an eligible list and service in provisional status shall not be considered as a part of the probationary period.

Section 5: TRANSITIONAL EMPLOYEES

Transitional employees shall begin the probationary period upon entering regular employment with the City. All or a portion of past services as a transitional employee may, upon recommendation by the department director and approval of the Director of Human Resources, be applied toward completion of original entrance probationary period. Such provision shall apply only to a lateral or a lesser position.

Section 6: ABSENCES DURING PROBATIONARY PERIOD

Absences during a probationary period may extend the date of completion of the probationary period in time equal to the amount of time absent.

Section 7: PROBATIONARY PERIOD AFTER HAVING ATTAINED REGULAR CIVIL SERVICE STATUS

- (a) Absent of misconduct, any employee who fails to complete the probationary period following a promotional appointment because of failure to meet the required work standards of the department director, shall, be reinstated in the position, class and at the pay rate from which he/she was promoted.
- (b) Absent of misconduct, whenever any Regular employee receives a Probationary appointment because of certification from an open-competitive eligible list and is not appointed to Regular Status in the classification for which he/she was serving a probationary period, he/she shall be reinstated in the position, class and at the pay rate for which he/she held Regular Status immediately preceding the commencement of the probationary period, or a comparable position.

RULE VIII LAYOFF

Section 1: LAYOFF

The number of employees in any job class may be reduced whenever necessary because of material changes in duties or organization, or because of shortage of work or funds. After a study by the Director of Human Resources, the City Administrator shall decide whether only the employees of the affected department concerned shall be considered in making such layoff or whether, and to what extent, the City Service as a whole shall be considered. In conformance with the decision of the City Administrator, the Director of Human Resources shall inform the department director(s) as to the order in which the employees in such class or classes shall be laid off. A written notice of layoff containing the reasons therefore shall be handed to each such employee or mailed to his/her last known place of residence.

Section 2: LAYOFF PROCEDURES

Employees shall be laid off as follows:

- (1) Emergency or provisional appointees.
- (2) Probationary employees.
- (3) Regular employees.

The order of layoff of Regular employees shall be determined by a layoff score, computed in the following manner: A credit for seniority computed at the rate of one-tenth (.1) of one point shall be given to all employees in the particular class for each full month service within his/her or her particular classification in which his/her or her efficiency rating has been reported as other than unsatisfactory. No seniority credits for the purpose of determining a layoff score shall be granted for those months within a service rating period wherein an employee's service has been reported as unsatisfactory.

Periods of employment shall count as one continuous period of employment if the City has reinstated the employee however, if employee has reentered the City service through original procedures, then only current period employment shall count in determining layoff scores. A tie in said scoring shall be broken first in favor of the employee with the earliest original employment date.

If a tie in scoring continues, the tie shall be broken by last name; with the employee with the lowest first letter in their last name being laid off first. The employee with the lowest layoff score shall then be laid off, provided however, that in the case of persons entitled to Veteran's preference as set forth in the Florida Statute 295, one (1) point shall be added to the total layoff score. An employee to be laid off may be transferred to another position with similar duties, or to a lower class than the one just vacated.

If the said employee has progressed in continuous service and holds, Regular Status in each of several job classifications in the same job series, he/she shall hold job seniority in any one of the several job classifications as follows:

- (a) In the highest job classification, only seniority actually accrued in that classification shall apply.
- (b) In any lower job classification, all seniority accrued in said lower classification together with all seniority accrued in the several higher classifications, shall comprise the total seniority in the aforesaid lower job classification.

No employee shall have any right or title in a job classification in which he/she was never employed nor held Regular Status in said classification.

Any employee holding Regular Status in one job classification and elevated through assignment or promotion to a higher class on a temporary or probationary status shall continue to accrue seniority in the lower class in which he/she holds Regular Status. Employees who have "advanced" not in the same job series will maintain seniority in their previous status as of the date they advanced from that status, but they will not accrue further seniority in that previous status.

Section 3: REEMPLOYMENT REGISTERS

The names of persons who hold Regular Status in positions in the Classified Service, and who are laid off, shall be placed on an appropriate reemployment register in the order of their layoff scores, the highest being first. A reemployment register shall remain in effect for a period of one (1) year from the date the list is established. Upon reemployment, such employees shall be reemployed with the seniority as of the date of their involuntary separation. Re-employment registers shall take priority over all other registers, including promotional. Should an employee to be laid off accept a position in a lower class, the name of said employee shall be placed at the bottom of the reemployment list for the job class he/she held just prior to accepting the lower classification; however, he/she shall retain his/her original ranking on the reemployment list that he/she had prior to accepting such lower job class for openings in the organizational unit in which he/she held Regular Status in the higher class.

Section 4: LAYOFF OF PROBATIONARY EMPLOYEES

The names of persons who hold original probationary status in the Classified Service, and who are laid off, shall be placed on the current open competitive eligible register for their particular job class in the order of their earned examination score.

Section 5: TRANSITIONAL EMPLOYEES

In determining the order of layoff in each class or classes, transitional employees shall be considered as a separate entity and the length and relative value of service of the employees in such transitional class or classes shall be comparable only among such transitional employees of such class or classes.

Section 6: DECLINING OF POSITIONS OFFERED UNDER THIS RULE

Should an employee, laid off under this rule refuse two opportunities to be selected from the reemployment register, his/her name shall be removed from that register. He/she, therefore, forfeits any future rights for reemployment consideration in the subject classification.

Section 7:

The Director of Human Resources may, at his/her discretion, certify for vacancies in entrance positions, individuals on reemployment registers of like or similar classifications.

RULE IX ASSIGNMENTS

The transfer of a regular employee for a temporary period from a position in one class to a position in another class having a higher maximum rate of compensation, or with the consent of the affected employee to another class having a lower maximum rate of compensation under the same department director, is an assignment and may be made in order to bring about a better distribution of persons in the Service, to effect economies or to provide training. Nothing in this rule shall be interpreted to preclude the fact that employees may be required to substitute in positions normally of a higher class due to vacations and sick leave, or in situations where vacancies exist pending the establishment of appropriate eligible lists.

- (a) Request for the assignment of an employee shall be made in writing to the Director of Human Resources stating reasons and approximate length of time for which assignment is to be made by the department director. No employee shall be assigned when an eligible list exists for the classification in which an assignment is to be made until the persons on the eligible list have refused to accept the appointment. No appointment shall be made without the approval of the Director of Human Resources, and no employee shall be assigned to a position involving duties for which he/she is not qualified as indicated by his/her experience, training and record of service.

- (b) Assignments to a higher class shall be limited to a maximum of three (3) months in any twelve-month period, except that upon a written request from the department director, the Director of Human Resources may, at his/her discretion, extend the assignment of an employee for an additional period not to exceed three (3) months. The time an employee spends under such assignments shall not be used for computing any rights in the higher class to which he/she may be so assigned, but may count toward completion of probationary period in the lower class from which assigned.

- (c) Absent of misconduct, upon termination of assignment, the employee shall revert to the class, status, and pay rate which he/she occupied immediately prior to his/her assignment to the higher class, and the length of time spent in the higher class shall be applied to the service time of the lower class.

RULE X RETURN FROM UNCLASSIFIED TO CLASSIFIED SERVICE

When any employee with Regular Status in the Classified Service shall be appointed to a position in the Unclassified Service, his/her position in the Classified Service shall be considered vacated, and subject to being filled by the procedures which apply to filling such positions on a regular basis. The regular employee so appointed to the Unclassified position shall accrue no further Civil Service rights in the Classified Service while serving in the Unclassified position. If separated from the Unclassified Service within one year, he/she shall be given the opportunity of returning to his/her former classified position, subject to funding and operational needs. If separated from the Unclassified Service subsequent to one year and ~~there shall be~~ a funded job vacancy exists in his/her former classified position, he/she shall be given the opportunity of returning to that position. If there shall be no such vacancy, he/she shall be given the opportunity of accepting a Classified position at the same kind of work and at a comparable level, in his/her former department if practicable, with compensation—not to exceed the maximum rate then prevailing for the classification. Such determinations will be made by the Director of Human Resources. If there shall be no vacant positions in the comparable job classes as determined by the Director of Human Resources pursuant to Civil Service Rule VIII, Section 2, entitled Layoff, shall apply in the determination of positions to which he/she shall be entitled. If such employee does not accept the position offered under Rule VIII, Section 2, Layoff, within thirty (30) days, he/she shall forfeit all rights under this Rule. Employees returning from unclassified to classified positions due to misconduct may not be returned to their former positions at the sole discretion of the Director of Human Resources.

RULE XI TRANSFERS, PROMOTIONS, DEMOTIONS

Salary changes as the result of transfers, promotions or demotions are governed by City Code

Section 1: TRANSFERS

(a) ORGANIZATIONAL TRANSFERS

A transfer of an employee's job classification reporting structure another department director shall be called an organization transfer and may be made with the consent of the department directors involved and the Director of Human Resources, or in any event where the City Administrator deems such action to be for the good of the City.

(b) CLASS TRANSFERS

The transfer of an employee from a position in one class to a position in another class for which he/she is qualified and for which no higher maximum rate of pay has been established, under the

same department director is called a class transfer and may be made by the department director involved and the Director of Human Resources, or in any event where the City Administrator deems such action to be for the good of the City. However, an employee so transferred under this Section, shall be considered eligible for a period of six (6) months from the date of such transfer, to participate in such examinations as are promotional from the classification from which he/she was transferred. In like manner, an employee so transferred shall be considered ineligible for a period of six (6) months from date of such transfer, to participate in such examinations as are promotional from the classification to which he/she has been transferred.

(c) VOLUNTARY DEMOTIONS

An employee may request a voluntary demotion to a job class for which he/she is qualified. Such demotion may be granted provided a vacancy exists in the class to which the employee has requested to be demoted. Any demotions effected by this section shall be subject to the provisions of Section 1 (a) of this Rule. An employee who accepts a voluntary demotion shall receive a reduction in pay to the step in the lower pay grade that most closely provides for a ten (10) percent salary reduction upon demotion. The salary of the employee electing demotion shall not exceed the prescribed maximum rate of pay for the lower position. A voluntary demotion in accordance with this Rule shall not take effect earlier than ten working days from the request.

Section 2: PROMOTIONS

A transfer in the Classified Service from a position in a higher class shall be deemed a promotion. No promotions shall be made except as a result of examination as provided in these Rules.

Section 3: DEMOTIONS

A transfer in the Classified Service from a position in a lower class shall be deemed a demotion.

- (a) Subject to the provisions of City Ordinance Chapter 62-344, and Rule XIII of these Rules, a department director may demote an employee whose ability to perform his/her duties falls below standard or for disciplinary purposes. All demotions shall be reported to the Director of Human Resources in sufficient time before the date it is intended that they become effective so that the Director of Human Resources may investigate the circumstances as he/she may consider necessary. Where such action would in his/her opinion be in the best interests of the City, the Director of Human Resources shall attempt to arrange the transfer of the affected employee, to a position under the jurisdiction of another department director. A transfer under such circumstances shall be approved by the Director of Human Resources and the department director having jurisdiction over the position to which the employee is to be transferred, but necessarily by the department director intending to effect the demotion.
- (b) At his/her discretion and with the consent of the prospective department director, the Director of Human Resources may permit the demotion to a vacant position as a substitute for lay-off, or the City Administrator may require that such action be taken where he/she deems it to be in the best interest of the classification from which he/she was demoted as provided in cases of

lay-off. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.

Section 4: REDUCTION IN SALARY

The department director may reduce the salary of an employee under his/her jurisdiction within the salary range for the classification for a disciplinary purpose or when the quality of work of an employee is of low service value and does not conform to the required standards. Appeals from such action may be taken by the employee under procedures provided by Rule XIII of these Rules.

RULE XII DISCIPLINARY ACTIONS

A department director may take disciplinary action at any time for the good of the City or for other just cause. Criteria including but not limited to the employees' length and quality of service and all prior discipline should be reviewed and considered when determining appropriate discipline in any particular circumstance.

It is the policy of the City of West Palm Beach to follow a system of progressive discipline. This means that, in those instances where misconduct is not extreme or serious, employee misconduct or performance problems should be handled using actions which progress from less to more severe. Disciplinary actions shall be administered consistently and in a non-discriminatory manner, and will depend on the severity of the offense, the employee's work record and history, and other relevant factors. Disciplinary actions may include verbal or written reprimands or other actions as set forth in this Rule. Only those actions taken under Section 1 or Section 2 of this Rule may be appealed to the Civil Service Board.

Section 1: SUSPENSIONS

- (a) A department director may suspend an employee in the Classified Service at any time for the good of the City, for a disciplinary purpose, or for other just cause. Suspensions without pay shall not exceed thirty (30) days nor shall any employee be penalized by suspension for more than thirty (30) days in any twelve (12) months.

- (b) Any regular employee in the Classified Service may appeal a suspension according to the procedures established by City Ordinance Chapter 62-344 and by Rule XIII, APPEALS FROM DISCIPLINARY ACTION.

Section 2: **REMOVALS**

- (a) Any department director may remove a subordinate employee under his/her jurisdiction in the Classified Service at any time for any cause which will promote the efficiency of the City. Before the effective date of any such removal, the department director shall give the affected employee and the Director of Human Resources a written statement of the reasons for such removal. The Director of Human Resources may thereupon investigate such removal in order to be appraised of the factors causing such removals and to aid in the elimination of such factors.

- (b) Any employee with Regular Status in the Classified Service may appeal removal according to the procedure established by City Ordinance Chapter 62-344 and by Rule XIII, APPEALS FROM DISCIPLINARY ACTIONS.

Section 3: **CODE OF CONDUCT**

- (a) The conduct listed below, although not an exhaustive list, sets forth examples of grounds for disciplinary action:
 - 1. Any employee in the Classified Service who has been indicted, or informed against in any Federal Court, or in a court of any state of the United States, may be forthwith suspended without pay by his/her Appointing Officer. Such suspensions may continue until the acquittal or conviction of such employee or until ninety (90) days has elapsed. An additional ninety (90) days shall be granted at the written request of the employee or his/her attorney. This written request must be received by the Director of Human Resources within the ten (10) day period prior to the expiration of the initial ninety (90) day period.

If the indictment or information against such employee is quashed, and the charges dropped by the prosecuting authority such action shall be deemed an acquittal hereunder. If a finding of guilty is entered against such employee, and adjudication is entered against such employee, and adjudication is withheld under the provisions of Chapter 948, Florida Statutes, such finding shall be deemed a conviction hereunder. Acquittal may entitle such employee to reinstatement (and recovery of all wages and benefits) lost by reason of such suspension, but conviction of such employee shall be grounds for removal.
 - 2. Violation of the provisions of the City Charter, these Rules, or any other published City or departmental rule, policy, standard operating procedure, protocol or regulation.
 - 3. Conduct not becoming of a City employee, either on or off duty if such conduct renders the employee incapable of effective performance of his/her duties and responsibilities.
 - 4. Violation of any lawful and reasonable regulation or order, or failure to obey any lawful or reasonable direction given by a supervisor.

5. Reporting for work while unfit for duty, such as while under the influence of intoxicants or narcotics, or while wearing a City-furnished uniform, whether on or off duty.
6. Use of any amount of any intoxicant or narcotics during duty hours other than that which has been lawfully prescribed to the employee and approved by the employee's prescribing physician or medical provider as not interfering with the safe performance of the employee's job duties.
7. Refusal or inability to perform assigned duties and responsibilities.
8. Insubordination.
9. Threatening, bullying, or other inappropriate conduct or language toward the public, supervisors, or co-workers.
10. Incompetence, negligence or inefficiency to such an extent that performance falls below minimum standards.
11. Carelessness or negligence with property of the City including theft or loss of equipment, materials, property or any other thing of value belonging to the City.
12. Unauthorized release of any privileged or confidential information or release of work products without the express approval of the supervisor.
13. Use or the threat to use, or attempt to use political influence in securing promotion, leave of absence, transfer or change of class, pay or work.
14. Taking any fee, gift or other valuable thing in the course of City employment or in connection therewith, including soliciting, use of client or business contacts or attempt to use his or her official position or property or resources which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself or others
15. Falsification of City records including, but not limited to, time records or failure to properly report absences from duty in accordance with prescribed procedures.
16. Absence from duty without approved leave or failure to report to work after approved leave has expired, or within a reasonable time after such leave of absence shall have been revoked or canceled. Absence without approved leave in excess of three (3) work days shall constitute abandonment of employment and will result in immediate termination.
17. Tardiness or unauthorized absence from work during duty hours.
18. Violation of the provisions of City Ordinance Chapter 62-33 relating to political activity.

19. Antagonism toward supervisors or fellow employees, criticizing orders, rules or policies adopted by the City, or conduct which interferes with the proper coordination of the employees of the City or efficient delivery of public service.
20. Failure to comply with any residential and/or emergency response requirements.
21. Refusal to respond to any lawful inquiries by the City or its representatives or to furnish lawfully requested statements concerning his/her property holdings, financial affairs, income or expenditures, or refusal of any lawful request to waive immunity from prosecution before any grand jury, or any other body, official or officials having the rights and possessing the powers of a grand jury.
22. Abuse of sick leave privileges.
23. Solicitation by non-employees is prohibited without the approval of the Director of Human Resources. Solicitation by employees is prohibited during their work time or other employees' work time, exclusive of breaks, in working areas, without the approval of the Director of Human Resources.
24. Gambling during duty hours whether in uniform or not and/or on City property.
25. Falsification of any documents prepared to secure employment or during the course of employment with the City.
26. Unauthorized use or possession of firearms or other weapons while on duty or in uniform.
27. Failure to comply with all safety regulations and procedures.
28. Loss of licenses, certifications or other credentials required for employment.

RULE XIII APPEALS FROM DISCIPLINARY ACTIONS

Section 1: RIGHTS OF REGULAR EMPLOYEES

- (a) Whenever the Appointing Officer (department director) of any regular employee in the Classified Service determines that there are reasons for the removal, suspension or reduction in pay or class of such employee, such Appointing Officer shall notify the City Administrator the City Attorney and the Director of Human Resources in writing thereof within 24 hours or the next City Hall business day of such determination. The terms appointing officer and department director are synonymous throughout this Rule.
- (b) Within not more than 30 days after the giving of the notification required by paragraph (a) above, written notice of suspension, reduction or removal, as the case may be, stating the reasons therefore, and the date from which such action is effective, shall be given to such employee or mailed to his/her usual place of residence. A copy of such notice shall be

submitted to the Director of Human Resources.

- (c) In the event that good and sufficient reasons exist making it impractical or impossible to give or mail such written notice to said employee within said period of 30 days, as required by paragraph (b) above, the Civil Service Board, in its discretion, upon application and upon good cause being shown, may extend the period for the giving or mailing of such notice for an additional period not to exceed 30 days.

Section 2: **REQUEST FOR HEARING**

Any employee may appeal from such disciplinary action within ten days after either the delivery or mailing to him of such written notice, whichever occurs first, by filing a written request for a hearing to the Civil Service Board in the office of the Director of Human Resources. Notice will be presumed effective three days after the mail date for purposes of this section.

Section 3: **PROCEDURES PRIOR TO HEARING**

No less than ten (10) days prior to the date set by the Civil Service Board for an appeal from disciplinary action, the attorney for the appellant, or when the appellant elects to conduct his/her own appeal, the appellant and the attorney representing the appointing authority of the City, shall meet at a mutually convenient time and place in order to:

- (a)
 - 1. Simplify the issues and stipulate to as many facts and issues as possible.
 - 2. Examine all hearing exhibits. Each party shall note their specific objection(s), if any, to any hearing exhibit.
 - 3. Furnish opposing side with names and addresses of hearing witnesses.
- (b) Prior to hearing, the Board shall be furnished a numbered list of hearing exhibits, with specific objections, if any, to each exhibit including the basis of objection. The Board shall also receive each party's numbered list of witnesses with addresses. The Board shall receive a copy of all exhibits to which there has been no objection. The failure of a party to meet as required by this section or to note specific objection(s) to an exhibit will result in a copy of the exhibit being distributed to the Board prior to the hearing.
- (c) During the hearing, each party shall be strictly limited to exhibits produced, witnesses disclosed and objections reserved pursuant to paragraphs (a) and (b). Reservations regarding additional exhibits, witnesses or objections will not be honored absent a showing of good cause or manifest injustice.

Section 4: **DISCIPLINARY HEARINGS**

- (a) The Director of Human Resources upon receipt of such appeal, shall fix a time and place, for holding a public hearing thereon. Written notice of such time and place shall be

- delivered or mailed promptly to the Appellant, Appointing Officer and the Civil Service Board. Whenever practical, such public hearing shall be scheduled for the next regular meeting of the Board.
- (b) The Civil Service Board may, at the request of the Appointing Officer or the Appellant, call or subpoena any person or records for the purpose of ascertaining the facts.
 - (c) The Appointing Officer or his or her designee, shall have the right to be present at such hearing and to be represented by the City Attorney.
 - (d) The Appellant shall have the right to be present at such hearing and to be represented by counsel.
 - (e) Hearings before the Board shall be informal and shall not be bound by formal rules of evidence. The findings of the Board, shall, however, be based upon competent substantial evidence of record.
 - (f) The Appointing Officer shall have the burden of presenting evidence to support the charges as contained in the written notice. The official personnel file of the employee including a history of prior disciplinary action for the past two (2) years may be used as evidence.
 - (g) The Appellant shall have the right to present evidence to refute the charges brought against him.
 - (h) The Appellant shall have the right to be confronted by his/her accuser, and the Appellant and the Appointing Officer shall have the right to cross-examine the witnesses of the other.
 - (i) Ruling on objections and other questions of law shall be made by the Chairman, but such rulings may be over-ruled by a majority vote of the Board. Before making any ruling, the Chairman or any member of the Board may request the opinion of the attorney for the Board, if he/she is present.
 - (j) After both the Appointing Officer and the Appellant shall have presented their evidence, the Board shall receive argument in summation. The Appointing Officer shall hear both the opening and closing argument.
 - (k) After the completion of closing argument, the Board shall consider the evidence and determine the truth or untruth of the charges, in accordance with the evidence. The Board may uphold or deny the charges specified. Disciplinary action may be modified by the Board only upon unanimous vote of the Board. Such modifications shall not include removal in instances where an employee has appealed a suspension.
 - (l) Within fifteen (15) days after the completion of the hearing, the Board shall report its findings in writing. The Director of Human Resources shall promptly deliver or mail a copy

of such findings to the Appointing Officer and to the Appellant.

- (m) A copy of the written statement given the employee, a copy of any reply thereto, and a copy of the findings of the Civil Service Board shall be filed as a public record in the office of the Human Resources Department.

Section 5: **FAILURE OF PARTIES TO APPEAR**

If the person appealing shall fail to appear, the Civil Service Board shall hear the evidence and render a decision thereon. If the Appointing Officer shall fail to appear and if no evidence is offered in support of his/her charges, the Civil Service Board may render a decision by default or may hear evidence offered by the Appellant and render a decision thereon.

Section 6: **RESIGNATION BEFORE HEARING**

The acceptance by an Appointing Officer of the resignation of a person who appealed from a removal before final action on the part of the Civil Service Board shall act to nullify the hearing and the proceedings shall be dismissed without judgment. Any persons resigning under such circumstances shall forfeit all their Civil Service rights.

Section 7: **COMPENSATION WHEN APPEAL IS SUSTAINED**

- (a) When an appeal from disciplinary action finally results in a reversal or setting aside of such disciplinary action by the Civil Service Board, or by a competent court, then the employee may be entitled to recover all wages and benefits lost by reason of such disciplinary action, and to recover his/her court costs and reasonable attorney's fees as determined by the Civil Service Board. In the event a disciplinary hearing has been continued at the request of the employee, then the employee shall not be entitled to recover any wages or benefits for that period of time subsequent to the original hearing date.
- (b) In those instances where a reasonable attorney's fee is requested, application therefore must be made by the Appellant in writing to the office of the Civil Service Board within 30 days after filing of the findings of the Civil Service Board and shall be accompanied by an affidavit setting forth in detail the work done by Appellant's attorney, the time consumed and the reasonable attorney's fees requested. Failure to file such request within said period of 30 days, together with the accompanying affidavit, shall constitute a waiver by the Appellant of the request for attorney's fees. The City Attorney may file a response to the appellant's attorney's fees request within fifteen (15) days of the filing of that request.
- (b) After the filing of a request for the determination of reasonable attorney's fees and the City Attorney's response, the Board shall act upon such request at its next ensuing regular meeting. In determining reasonable attorney's fees, the Board shall not be bound by any statements as to the reasonableness of such fee which may be contained in the accompanying affidavit.

Section 8: PARTICIPATION IN EXAMINATIONS WHEN APPEAL IS SUSTAINED

If an employee is unable to participate in any examination solely because he/she is the subject of disciplinary action at the time such examination is held, and if such disciplinary action is finally reversed or set aside by the Civil Service Board or by a competent court while the eligible list resulting from such examination shall be in effect, such employee, upon demand, shall be given an individual test of the same degree of difficulty. If he/she shall successfully pass such examination, his/her name shall be fitted into the existing eligible list on order of score, and his/her eligibility shall continue for the life of the then existing list.

RULE XIV LEAVE OF ABSENCE**Section 1: LEAVE OF ABSENCE WITHOUT PAY**

- (a) Leave of absence without pay may be granted by the Civil Service Board upon recommendation of the department director and the City Administrator for the following reasons:
1. To recover from some temporary physical disability provided, however, that no such leave shall be given for a period to exceed ninety (90) days, unless such disability was caused by an injury without negligence on the part of the employee and received in the performance of his/her duty, in which latter case the period may be extended with the approval of the Board. The vacancy thus caused shall be filled, if necessary, by temporary appointment.
 2. To enter upon a course of training or study calculated to improve the quality of his/her service; nor such leave shall be initially given for a period to exceeds six (6) months with the right to extend for a period not to exceed an additional six (6) months if requested by the City Administrator. Where a leave of absence is given, the vacancy thus caused shall be filled, if necessary, by a temporary appointment.
 3. To enter the Armed Services of the United States in any period of national emergency, and upon his/her release or discharge from service, an employee granted such leave shall be authorized to resume his/her position with his/her former status, provided that such person shall resume his/her employment within thirty (30) days after his/her discharge or release from military service. The position made vacant by the person going into military service shall be filled in the same manner as any other vacancy in the city service. This section shall not abridge any right under federal, state, or local law regarding service in the military; all conflicts shall be determined in favor of controlling federal, state and/or local law.
 4. For special reason other than those above which are sufficient to constitute good reason for giving such leave; provided, however, that no such leave shall be given for a period to exceed six (6) months. A vacancy thus caused shall be filled, if necessary, by temporary appointment.

- (b) Leave of absence without pay for less than ninety (90) days may be granted by the City Administrator upon recommendation of the department director.

Section 2: EFFECT ON PROBATIONARY PERIOD

Leave of absence during the probationary period shall extend such probationary period the length of time necessary to equal the leave. The employee shall return to the position upon expiration of leave of absence and may return at a date prior to the expiration of leave of absence with the approval of the department director. Failure to return to the position upon expiration of the leave will be considered as an automatic resignation.

RULE XV PERFORMANCE APPRAISALS

Performance appraisals relative to the conduct and capacity of all employees in the Classified Service shall be made by department directors pursuant to procedures and forms established by the Human Resources Department and applicable City policies. . Employee performance appraisal appeals shall be determined by the City Administrator.

Performance Appraisal Appeal Procedures: At the conclusion of the performance appraisal interview, the employee shall sign and date the review form to indicate that the performance appraisal has been discussed with him or her. The employee shall indicate agreement or disagreement with the evaluation and may write comments on the form or attach a separate sheet with comments. Differences which arise concerning ratings for single performance categories should be addressed in the interview. Only an overall rating of 2.49 or below, may be appealed through the formal appeal process, which is explained below.

Any appeals shall be made in writing to the department director within five (5) working days after the final appraisal interview is conducted. The appeal shall include the areas of disagreement and the employee's justification for seeking the appeal.

When an employee performance appraisal appeal is not resolved at the department level, the department director shall immediately notify the Human Resources Department.

A Performance Appraisal Appeal Panel shall be established which will include:

- a. The appropriate Department director or a designee. In cases where the department director or designee has served on the evaluator panel, an employee may request the Director of Human Resources to designate an alternate to hear the appeal. This request must be included in the employee's initial written request for an appeal.
- b. A representative selected by the employee from a like or similar classification, and
- c. A representative of the Human Resources Department.

Upon receipt of the appeal, the department director or designee shall make timely arrangements to confer with the employee and evaluator(s) to discuss the performance appraisal in an attempt to resolve the appeal informally. If the appeal is not resolved informally or the employee elects a formal appeal process, the Performance Appraisal Appeal Panel shall convene in a timely manner.

The Performance Appraisal Appeal Panel shall make a recommendation to the Director of Human Resources based upon its findings within five (5) days following the appeal. The Director of Human Resources shall provide the employee with a written decision within five (5) working days after receipt of the committee's recommendations. The employee may appeal the decision of the Director of Human Resources to the City Administrator within five (5) days of receipt of the answer.

The City Administrator is the final authority on all appeals, however, when the City Administrator has designated an alternate to hear the appeal, the designee shall submit a recommendation to the City Administrator. The City Administrator shall provide the employee with a written decision within ten (10) working days of any meeting to discuss the performance appraisal appeal.

RULE XVI CONSIDERATION OF EMPLOYEE COMPLAINTS

Any employee shall have the right to secure consideration of any complaint he/she may have with respect to the application of the Civil Service Rules and Regulations. The employee shall first bring his/her grievance to the director of his/her respective department who shall promptly seek to arrive at a solution which is consistent with the Rules and Regulations and is acceptable to the employee. Such grievance or complaint shall be discussed or presented to the department director within five (5) calendar days of the occurrence of knowledge of the matter giving rise to the grievance. Where the department director is unable to resolve such a complaint in a manner that the employee is willing to accept, the entire matter shall be submitted to the Director of Human Resources for such action as he/she may deem appropriate. The employee may take an appeal to the Board only on those matters over which the Board has jurisdiction.

RULE XVII OUTSIDE EMPLOYMENT

- (a) Outside employment in addition to a person's employment with the City of West Palm Beach may be approved by the department director in conjunction with the Director of Human Resources provided that such outside employment does not constitute a conflict of interest or conflict with regular City employment.
- (b) No employee may accept outside employment which will prevent his/her return to duty in the case of emergency as determined by their department director or the City Administrator.

RULE XVIII REPORTS, RECORDS AND EXAMINATIONS

Section 1: REPORTS

The Civil Service Board shall transmit to the City Commission an annual report outlining the work and activities of the Civil Service Board and further outlining those particulars which limit the most efficient operation of a personnel program in the City of West Palm Beach and will recommend measures to be taken to correct such conditions. Such report shall be made as of September 30 of each year.

Section 2: RECORDS

The records of the Civil Service Board shall be open to public inspection pursuant to Florida's Public Records Law (Chapter 119, F.S.).

Section 3: EXAMINATIONS

Examination material shall be exempt from public disclosure pursuant to Section 119.07 (3) (c) of the Florida Statutes.

RULE XIX MEDICAL STANDARDS

The Director of Human Resources, subject to the approval of the Civil Service Board, is authorized to adopt physical and medical standards, which are to be required of Classified Service employees. When an employee in the Classified Service fails to meet such physical and medical standards as are deemed necessary for continued employment in the position he/she holds, a lateral or organizational transfer shall be made, if practical, to a position for which he/she is physically qualified, notwithstanding other provisions of these Rules.

RULE XX INQUIRIES

The Board shall report to the officer in charge of a department or board its findings and recommendations relative to increasing the efficiency therein, and shall have authority to conduct such investigation as may be necessary in connection therewith.