

THE CITY OF NORTH MIAMI BEACH

CIVIL SERVICE

RULES AND REGULATIONS

Revised July 6, 1993

(Resolution #93-18)

The City of North Miami Beach, Florida
Revised Civil Service Rules and Regulations

Approved by the City Council

February 2, 1960

Revised: March 1973, July 1993

CIVIL SERVICE BOARD

Buford Whitaker	Council Liaison
Sherwood Shane	Chairman
Stephen McElmurray	
Paul Templer	
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Thomas Eutsay	
Carl Fogelgren	
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CHAPTER 1

CIVIL SERVICE BOARD RULES, ORGANIZATION AND DUTIES

Section 1.01 Purpose of Rules:

These rules are adopted by the Civil Service Board and approved by the Council of the City of North Miami Beach, pursuant to Section 5, Article XIII of the Charter for the City of North Miami Beach, effective March 8, 1958, as amended by referendum held April 21, 1959, for the administration of Civil Service of the City of North Miami Beach, Florida, and as implemented by Ordinance #907 amended, adopted by the City Council on September 4, 1958.

8Section 1.02 Positions Covered by the Rules and Regulations:

These rules and regulations, and as they may be hereinafter amended, apply to all positions in the classified service of the City as defined in Section 4, Article XIII, of the City Charter, as amended.

Section 1.03 Organization and Composition of the Civil Service Board:

1.03.01 The Civil Service Board shall be composed of seven (7) members elected or appointed as follows:

Five (5) members shall be appointed by the City Council and shall be qualified electors

of the City. They shall not, during the term for which they are appointed, be employed in any manner by the City. The first Board members appointed by the City Council shall be appointed for terms as follows:

- One (1) member shall be appointed for one (1) year.
- One (1) member shall be appointed for two (2) years.
- One (1) member shall be appointed for three (3) years.
- Two (2) members shall be appointed for four (4) years.

Thereafter, their successors shall be appointed for terms of two (2) years. Members shall serve until their successors are appointed and qualified.

Two (2) members shall be elected from Civil Service Regular Status Classified employees to serve as members of the Board for a term of two (2) years, as follows:

One (1) member shall be elected from the qualified employees of the Police Department by the qualified employees of the Police Department.

One (1) member shall be elected from the qualified employees of all departments other than Police by the qualified employees of all departments other than Police.

Elected members of the Board shall serve until their successors are elected and qualified.

1.03.02 All vacancies of appointed members shall be filled in the same manner as original appointments and vacancies occurring during a term shall be for the unexpired term of the appointed member whose position is vacated.

1.03.03 Any vacancy in elected membership shall be filled by special election in the manner herein provided, if such vacancy shall occur more than three months prior

to the end of the term.

1.03.04 Terms of appointed and elected members shall commence on June 1 of the year in which appointed or elected and end May 31 of the year such terms are scheduled to expire.

1.03.05 All vacancies, regardless of cause, shall be filled within 30 days after occurring by Council appointment or by election as herein provided.

1.03.06 Any member of the Board may, if qualified, be reappointed or reelected at the expiration of his current term.

Section 1.04 Election of Employee Members of the Civil Service Board:

(1) Pursuant to Section 78, Article XIII of the City Charter, the following rules, regulations and procedures are prescribed for the election of the two (2) members of the Civil Service Board by the regular status employees.

1.04.01 Election Board: The five (5) appointed members of the Board in the election of employee members. Said Board shall:

1.04.01.01 Approve the nomination petition as provided in Section 1.04.02.04 below.

1.04.01.02 Approve the election ballots as provided in Section 1.04.04.01 below.

1.04.01.03 Supervise the election of the employee members of the board.

1.04.01.04 Certify the results of the election to the City Council at the

first meeting of the City Council following the election.

1.04.02 Additional Duties of the Election Board:

The Election Board shall:

1.04.02.01 Prepare a nomination petition in accordance with Section

1.04.03 below.

1.04.02.02 Distribute nomination petitions to all employees.

1.04.02.03 Receive nomination petitions initiated by employees and check same for completeness and the required number of qualified signatures.

1.04.02.04 After checking nomination petitions and in cases where more than one nomination is made in one department, supervise the departmental selection of one (1) nominee whose name shall be placed on the election ballot. The nominee receiving the greatest number of votes shall have their name submitted to the Election Board as the nominee for that department.

1.04.02.05 Receive one nominee from each department selected by qualified employees.

1.04.02.06 Conduct the final screening of departmental nominees for eligibility before placing their names on the election ballot.

1.04.02.07 Prepare an election ballot for the Police Department in accordance with Section 1.04.04 below.

1.04.02.08 Prepare an election ballot for the departments other than Police and Fire in accordance with Section 1.04.04 below.

1.04.03 The Nominating Petition:

The Nominating Petition shall:

1.04.03.01 Be approved by the Election Board on an annual basis for expediency in establishing elections.

1.04.03.02 Contain spaces for a minimum of five signatures.

1.04.03.03 Contain a statement to the effect that five (5) signatures of qualified voters are required to place a nominee on the departmental ballot, and that in case of more than one (1) nomination in a department, only the nominee receiving the greatest number of votes from employees of the department shall have his name on the official election ballot.

1.04.03.04 Contain the following "Nominee's Statement of willingness to serve":

"This is to certify that I, _____,
have discussed. with one or more of the signers of this petition, the responsibilities of membership on the Civil Service Board, and if elected, hereby agree to serve. I further certify that in accepting this nomination, I have made no commitment to any persons to perform any act that would be contrary to the merit principle as applied to Civil Service in the City of North Miami Beach.

Signed _____"

1.04.04 The Election Ballots:

The Election Ballots shall:

1.04.04.01 Be approved by the Election Board.

1.04.04.02 Contain the names of eligible nominees, but in no case more than one (1) eligible nominee by any one department.

1.04.04.03 Contain voting instructions as follows:

- (a) Vote for one (1) and only one (1) candidate.
- (b) Do not sign or otherwise identify the ballot.
- (c) Fold the ballot to conceal the marks.
- (d) Insert ballot personally in the box provided for same.

1.04.05 General Provisions:

1.04.05.01 Employees Qualified to Vote: Any employee in the Classified Service who has attained regular status through the adoption of the City Charter, or by original appointment and completion of a probational period shall be eligible to vote.

1.04.05.02 Time of Election: The election of employee members of the Civil Service Board shall be held at least thirty (30) days prior to the expiration of the term of incumbents, or at such other time as may be designated by Council in filling a vacancy as provided in Section 1.03.03 above.

1.04.05.03 Run-off of Ties: In the event of a tie vote, a run-off shall be held within ten (10) days.

Section 1.05: Organizational Meeting of the Civil Service Board:

The board shall meet for organization immediately after approval by the City Council of these Rules and Regulations and immediately after the installation of a new member by the City Council.

At said meeting the Board shall:

1.05.01 Elect one of its members Chairman, whose duties shall be:

1.05.01.01 To call meetings of the board.

1.05.01.02 To preside at all Board meetings, public hearings, and appeal hearings.

1.05.01.03 To supervise the keeping of the Minutes of the Board meetings.

1.05.01.04 Certifying that classified employees on the City Payrolls have been appointed or employed and are performing service in accordance with the provisions of the City Charter and Rules promulgated by the Board.

1.05.03.05 Performing such other duties as the Board may designate or may otherwise be necessary.

1.05.04 The Board shall select a Chief Examiner whose duties shall be:

1.05.04.01 To provide Civil Service Examinations as provided in Chapter 5 hereof.

1.05.04.02 To maintain eligible lists as provided in Section 6 hereof.

1.05.04.03 To certify eligible lists as provided in Section 7 hereof.

1.05.04.04 To certify appointments on forms to be approved by the board to the Director of Personnel.

1.05.04.05 To accept or supervise the accepting of, requests for application information, applications for examinations in the competitive classes, and applications for employment in the non-competitive and labor classes.

1.05.04.06 To maintain, or supervise the maintenance of the records of the Board.

1.05.04.07 To perform such other duties as prescribed by these Rules, as designated by the Board, or as may otherwise be necessary.

1.05.05 Determine such other procedural policies as may be necessary to the orderly execution of its duties and appoint administrative assistants and additional examiners as necessary.

Section 1.06 Duties and Powers of the Civil Service Board:

The Board shall have the power, and shall be required to:

1.06.01 Provide for the classification of positions in the Classified Service.

1.06.02 Adopt and amend, subject to the approval of the City Council, a code of rules and regulations providing for the appointment and employment in all positions in the Classified Service, and enforce same.

1.06.03 Make investigations concerning the enforcement and effect of the Civil Service provisions of the City Charter and these rules.

- 1.06.04 Make an annual report to the City Council on Civil Service activities.
- 1.06.05 Provide for filling positions by promotion, as far as practicable and consistent with the best interests of the Service.
- 1.06.06 Hear appeals made under the provisions of these Rules.
- 1.06.07 Reduce or remove employees for cause in accordance with these rules.
- 1.06.08 Fix a minimum standard of conduct and efficiency and administer a system of employee evaluation.
- 1.06.09 Subpoena witnesses for hearings and investigations.
- 1.06.10 Require the production of documentary evidence pertinent to investigations and hearings.
- 1.06.11 Administer oaths to witnesses at hearings and investigations.
- 1.06.12 Determine, subject to the approval of the City Council, penalties for the violations of the Civil Service provisions of the Charter and these Rules.
- 1.06.13 Modify any decision of the City Manager or City Attorney and impose such punishment for violation of its rules as may be in such rules provided. (Charter Section 79, Article XIII.)
- 1.06.14 Have the power to punish for contempt committed in its presence, which power may be enforced in the Dade County Court as for a violation of a City ordinance. (Charter Section 79, Article XIII.)
- 1.06.15 Perform such additional duties and functions as may be necessary to

carry out the provisions of Chapter XIII of the City Charter.

Section 1.07 Civil Service Board Meetings:

1.07.01 All regular and special meetings of the Board shall be open to the public, but this shall not be construed to prevent private conferences where no formal action is taken. Meetings to hear appeals shall be open to the public unless a closed meeting is requested by the appellant.

1.07.02 Regular Meetings: Regular Meeting dates shall be established at the discretion of and by rule of the Board. Dates of meetings shall be announced by public notice, as set forth hereinafter. The Board shall hold at least six (6) regular meetings annually if there is business to be considered.

1.07.03 Special Meetings: Special meetings shall be held as often as shall be necessary for orderly dispatch of the Board's business.

Special meetings of the Board may be called by the Chairman or upon demand or any two (2) members, but only after three (3) days notice shall have been given to all members, to representatives of employee groups, and to the public.

1.07.04 Order of Business: The order of business at regular meetings of the Board shall be:

Roll call.
Special Orders of Business.
Reading of the Minutes.
Unfinished Business.
New Business.

1.07.05 Board Procedure: A quorum of the Board for any purpose shall consist of four (4) members, at least three of whom shall be members appointed by the City Council.

1.07.06 Chairperson: The Chairperson shall conduct all meetings but in his/her absence a temporary chairman shall be designated by majority vote of the Board.

1.07.07 Rules: Roberts Rules of Order shall govern all proceedings except as herein provided: The Chairperson shall have the right to vote on all motions, but shall not have the right to initiate or second a motion.

Section 1.08 Records: The Secretary shall maintain such records for the Board as shall be necessary to the orderly conduct of its business.

1.08.01 Public Records: Minutes of Board meetings, then Classification and pay plans, payrolls, actions of dismissal and suspension, eligible lists, and the Rules shall be considered public records. Other records of the Board shall be governed by the State of Florida Public Records Law.

1.08.02 Filing of Records: The official records of the Board shall be filed with the Secretary, who will be charged with their safekeeping and making the same available to the public during regular business hours.

1.08.03 Board Minutes: The Secretary shall also keep the official proceedings of the Board as required under these rules. The Board's minutes shall record the following:

1.08.03.01 The meeting date.

1.08.03.02 Members present.

1.08.03.03 Each official act and the vote of each member thereon except when unanimously adopted.

1.08.03.04 Appeals resulting from separation, demotion suspension, application rejection, removal from eligible lists, compulsory leave, etc., and the official action of the Board for each such appeal.

1.08.03.05 Exemptions from competitive examinations in the case of special or exceptional appointments along with the reason therefor.

1.08.03.06 Cancellation and postponement of announced examinations, along with the reason therefor.

1.08.03.07 Corrections of manifest errors in scoring examination papers, along with the explanation therefor.

1.08.03.08 Extension of eligibility beyond the one (1) year period.

1.08.03.09 Names of eligibles removed from lists along with the reasons therefor.

1.08.03.10 Reinstatement of former employees to eligible lists, along with the position on the lists as determined by the Board.

1.08.03.11 Such other actions or items as the Board may require as a part of its record.

1.08.04 Personnel Transactions: A record of the following personnel

transactions shall be maintained by the Secretary.

1.08.04.01 Emergency appointments.

1.08.04.02 Temporary appointments.

1.08.04.03 Provisional appointments.

1.08.04.04 Substitute appointments.

1.08.04.05 Probational appointments.

1.08.04.06 Regular appointments.

1.08.04.07 Separations from the Service.

1.08.04.08 Leaves of absence.

1.08.04.09 Suspensions.

1.08.04.10 Changes in pay status.

1.08.04.11 Promotions and demotions.

1.08.05 Official Roster: An official roster shall be maintained by the Secretary showing the names, titles, rates of pay and the status of all employees in the Classified Service. No rate of pay or salary shall be certified or approved for payment by the Secretary in case such name had not been placed on the official roster in accordance with the provisions of the City Charter and these Rules.

1.08.06 Other Records: The Secretary will maintain, or supervise the maintenance of, the official position classifications, efficiency records, payrolls, correspondence files and files for other matters pertaining to the operation of the Civil Service program.

1.08.07 Furnishing Information from Personnel Records: Individual employees' records are open for inspection by the general public pursuant to the Florida Public Records Law. In the presence of an employee from the Personnel Department, information may be given as follows:

1.08.07.01 THIS SECTION DELETED

1.08.07.02 Information to prospective employers shall be provided upon request in accordance with the Florida Public Records Law.

1.08.07.03 Organizations requesting credit information may be furnished the following:

- (a) Location of employment.
- (b) Rate of pay.
- (c) Civil Service status.
- (d) Date of appointment to the Classified Service and to his current position.

1.08.08 Preservation of Records: Minutes of Board meetings, employee rosters, eligible lists, financial records, examination records and personnel files shall be retained permanently. The applications, examination papers and other work of all applicants whose names appear on eligible lists shall be retained so long as the eligible lists resulting from such examinations is continued in force, but may be destroyed thereafter at the discretion of the Board, unless such applicants shall receive appointments, in which case such applications, examination papers and other work shall

become a part of such applicant's personnel file. The applications, examination papers, and other work of those applicants who failed to qualify shall be preserved for ninety (90) days after the establishment of the eligible lists, but may be destroyed thereafter at the discretion of the Board, except where applicants submit written requests for their preservation.

Section 1.09 Reports to the Civil Service Board:

For the proper establishment and maintenance of the service register and for the expeditious checking of payrolls, heads of departments shall promptly transmit to the Board all information requested.

1.09.01 Service Registers: The Service Register shall consist of a list of all persons in the service of the City, showing with each name the position held, the salary or wages paid, the date and character of selection or appointment, every subsequent change of status, and whether in the Classified or Unclassified Service.

1.09.02 Payroll Reports: Department heads will submit payroll reports with all information required thereon, to the Board and will certify that said reports are accurate, legal and in conformance with these Rules.

Departments heads will be held financially responsible for all payments of funds made on the basis of certified payroll reports and will be required to reimburse the City for any funds illegally expended.

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CHAPTER 2

GENERAL PROVISIONS

Section 2.01 Effective Date of Rules:

These Rules shall become effective as provided in Section 5 of Article XIII of the City Charter.

Section 2.02 Definitions of Terms Used:

For the purpose of these Rules, certain terms and phrases shall be construed as indicated in this Section. Other terms and phrases not herein defined shall be construed in the light of their context. Words used in the masculine gender shall include the feminine and the feminine shall include the masculine.

2.02.01 Allocate - The assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

2.02.02 Applicant - Any person seeking employment in the Classified Service who has executed an acceptable application.

2.02.03 Appointee - Designates the person selected in accordance with the Civil Service Rules to fill a position in the Classified Service.

2.02.04 Appointing Authority - The City Manager.

2.02.05 Appointment - The designation by a legally constituted authority of a person to occupy a position pursuant to the Civil Service rules.

2.02.06 Board - The Civil Service Board as established under Article XIII of

the City Charter.

2.02.07 Certification - A submission of names of eligibles from a re-employment list, promotional list, or an eligible register to an appointing authority for the purpose of filling a position in the Classified Service.

2.02.08 Chairman - The Chairman of the Civil Service Board elected as herein provided.

2.02.09 Charter - The Charter of the City of North Miami Beach as amended.

2.02.10 Chief Examiner - The Chief Examiner of the Civil Service Board.

2.02.11 Civil Service Employees - As defined in Section 4, Article XIII of the City Charter.

2.02.12 Class or Class of Positions - A group of positions established under these Rules sufficiently similar in respect to their duties and responsibilities, (a) that the same title may be used with clarity to designate each position allocated to the classification; (b) that the same requirements as to experience, education, capacity, knowledge, ability and other qualifications should be required of the incumbents; (c) that the same tests of fitness may be used to choose qualified employees, and (d) that the same salary range can be applied under the same or substantially the same employment conditions.

2.02.13 Classification - The act or result of classifying a position.

2.02.14 Classified Service - Comprises all positions in the City not specifically excluded by Section 3 of Article XIII of the City Charter.

2.02.15 Competitive Class - Comprises positions in the Classified Service for which it is practicable to determine the merit and fitness of applicant by competitive examination.

2.02.16 Council - The City Council of North Miami Beach, Florida as established by the City Charter.

2.02.17 Dismissal - The removal or separation of any employee other than a regular employee, from the Classified Service for cause.

2.02.18 Efficiency - The evaluation of the performance of an incumbent in relation to the requirements of the position.

2.02.19 Eligible - A person whose name is on a re-employment, promotional or original appointment list.

2.02.20 Eligible List - A re-employment, promotional, or original appointment list.

2.02.21 Employee - A person who is legally an incumbent of a position.

2.02.22 Extreme Emergency - Shall be construed to mean conditions of a catastrophic nature, such as might result from hurricanes or other Acts of God or calamities of war.

2.02.23 Grade - The pay range established for a class of positions in the Classified Service

2.02.24 Labor Class - Comprises positions in the Classified Service designated as ordinary unskilled labor in the Classification Plan.

- 2.02.25 Lay Off - The separation from the Classified Service of an employee where the position has been discontinued because of either lack of work or lack of funds.
- 2.02.26 Limited Appointment - See Section 8.09.
- 2.02.27 Mayor - The Mayor of the City of North Miami Beach.
- 2.02.28 Member - A member of the Civil Service Board.
- 2.02.29a Non-competitive Class - Comprises all positions in the Classified Service requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as determined by the Rules of the Board.
- 2.02.29b Officers - Those persons holding elective offices.
- 2.02.29c Officials - Those persons holding appointive offices.
- 2.02.30 Original Appointment - The initial appointment of an employee to the Classified Service from an eligible list established as a result of an open competitive examination.
- 2.02.31 Permanent Position - Any position in the Classified Service which has required or which is likely to require the full-time services of an incumbent without interruption for a period of more than six (6) months.
- 2.02.32 Position - A group of current duties and responsibilities, assigned or delegated by competent authority requiring the full-time or part-time employment of one person.
- 2.02.33 Probationary Employee - An employee appointed to a permanent position from a promotional or an original entrance list, who has not completed his

probationary period.

2.02.34 Public Hearing - A meeting of the Board, open to the public, where any citizen, taxpayer or party at interest may appear and be heard subject to such rules and regulations as may be fixed by the Board.

2.02.35 Public Notice - A written notice placed upon the bulletin board maintained at or near the entrance to City Hall in a place accessible to the public during business hours.

2.02.36 Public Record - A record which the public shall have the right to inspect in a reasonable manner during ordinary business hours.

2.02.37 Qualifications - The minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

2.02.38 Reduction in Grade - The changing of an employee from a higher pay to a lower pay within an established pay grade.

2.02.39 Regular Employee - An employee who was appointed under the provisions of the Civil Service Rules to a permanent position and who has satisfactorily completed his/her probationary period.

2.02.40 Removal - The dismissal or separation of a regular employee from the Classified Service for cause.

2.02.41 Retirement - The separation of an employee from the Classified Service in accordance with and under the authority of the City of North Miami Beach Retirement Plan.

2.02.42 Seasonal Position - Any position in the Classified Service which requires or is likely to require the services of an incumbent during certain parts of each year, on a recurring basis.

2.02.43 Secretary - The person referred to and designated in Section 6, Article XIII of the City Charter.

2.02.44 Separation - The severance of an employee from the Classified Service whether by retirement, resignation, layoff, termination, automatic rejection, dismissal or removal.

2.02.45 Service - The Classified Service of the City.

2.02.46 Status:

Employee - Employee Status means the type of appointment held by the employee, i.e., temporary, provisional, substitute, probationary or regular.

Position - Position Status means the type or duration of the position, i.e., temporary, seasonal or permanent.

2.02.47 Substitute Employee - An employee appointed from an appropriate eligible list to a position in the Classified Service temporarily because of Military Leave or other extended leave of absence granted an employee with regular status.

2.02.48 Suspension - The Placing of an employee on a non-working status without pay for cause.

2.02.49 Temporary Employee - An employee appointed to a position in the Classified Service for a specified period, for a special project, or to replace a regular employee on limited leave.

2.02.50 Temporary Position - Any position in the Classified Service which is not permanent, but which requires or is likely to require the services of the incumbent for a period of less than six (6) months.

2.02.51 Termination - Separation without prejudice of an employee from a position in the Classified Service at the end of either a provisional, a temporary or a substitute appointment.

Section 2.03 Positions Covered by Rules:

These Rules shall apply to all positions in the Classified Service as defined in Section 4, Article XIII of the City Charter.

Section 2.04 Amendments to Rules:

After the initial adoption of these Rules, no amendment thereto shall be made, nor shall any Rule be repealed, nor any new Rule promulgated at the same Board meeting at which such amendment, repeal, or supplement is proposed. An affirmative vote of not less than four (4) members shall be required to amend, repeal or supplement these Rules. The procedure shall be in accordance with Section 5, Article XIII of the City Charter.

Section 2.05 Prohibitions and Restrictions:

2.05.01 Discrimination Prohibited: No employee in the Classified Service nor

any applicant seeking admission thereto shall be in any way favored or discriminated against because of his or her race, color, sex, national origin, age, handicap/disability, religion or political opinions or affiliations. No question in any test or contained in any form used in administration of these Rules shall relate to the religious or political opinions of any applicant, eligible or employee.

2.05.02 Political Activity Prohibited: See Section 8, Article XIII of the City Charter.

Other Prohibitions and Restrictions:

2.05.03 Falsifying Statements and Records Prohibited: No person shall willfully or corruptly make any false statement, certified, mark rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of the City Charter or in any manner commit or attempt to commit, any fraud preventing the impartial execution of such personnel provisions or of these Rules and Regulations made thereunder.

2.05.04 Candidacy for Public Office Prohibited: No officer or employee in the Classified Service of the City shall continue in such position after becoming a candidate for nomination or election to any public office in the City of North Miami Beach. The employee shall request and be granted by the Board a leave of absence prior to announcing his/her candidacy for any elective office.

2.05.05 Attempts to Influence Officials Prohibited: No person seeking

appointment to or promotion in the Classified Service of the City 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.

2.05.06 Abuse of Political Influence: No person who holds any public office, or who has been nominated for or who seeks a nomination or appointment to any public office, shall corruptly use or promise to use whether directly or indirectly, any official authority of influence in order to secure or aid any person in securing personally, or for any other person, any office or employment in the Classified Service, or any promotion or increase in compensation therein, as a reward for political patronage. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the Classified Service to resign his/her position or to waive his/her rights to certification, appointment or promotion. No employee shall use or seek to use political influence, either directly or indirectly, in order to secure personally, or aid any person in securing, any office or employment in the Classified Service, or any promotion or increase in compensation therein or in retaining any position upon notice of or separation therefrom for cause.

2.05.07 Outside Employment: No ^{EMPLOYEE} Employment shall hold any other position, or pursue any other gainful occupation, except that connected with said employee's regular position in the Classified Service without having first obtained the permission of his/her department head and the Board. Prior to accepting employment, a request must be made to the Board in writing, stating type of outside employment and number of

See amendment of June 24, 1996 (next page)

AMENDMENT TO CSB RULE ON OUTSIDE EMPLOYMENT, PARA. 2.05.07

Approved by Civil Service Board on June 24, 1996

Delete existing paragraph and substitute the following:

2.05.07 Outside Employment: All City employees covered under the Rules must adhere to the City's policy on Conflict of Interests. Prior to accepting any off-duty employment position an employee must inform his/her department head about type of outside employment being considered and the expected work hours. The department head will then approve the request, inform the employee and forward the approved request to the Human Resources Department for inclusion in the next Board's meeting agenda. Until such time as the Board meets to consider the request the employee may accept the outside employment requested. If the department head disapproves the request it must be done in writing and a copy sent to the Human Resources Director for his review. The employee who is denied off-duty employment by his/her department head may appeal this decision to the Human Resources Director. If the Human Resources Director concurs with the denial the employee may appeal that decision to the City Manager. If the City Manager denies approval the employee may appeal the decision the Board. The Board's decision is final.

hours expected to work and department head's approval must be attached.

Section 2.06 Penalties for Violations:

As provided in Section 7 of Article XIII of the City Charter, the Board shall determine the penalties for the violation of the Civil Service provisions of the City Charter and these Rules, which shall be as follows.

2.06.01 Any person who alone, or with others, willfully or corruptly violates any of the Civil Service provisions of the City Charter, shall be guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment for a term not exceeding thirty (30) days, or by both such fine and imprisonment. Any person convicted under this Section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the Classified Service, and shall, if he/she be an officer or employee of the City, immediately forfeit the office or position he/she holds.

2.06.02 The violation of any of the provisions of these Rules shall, if the violator be an officer or employee of the City, be adequate grounds for removal or dismissal and refusal of the Board to certify payment of salary or wages to said employee and, if the violator be an applicant for a position in the Classified Service, be adequate grounds for the Board to disqualify said applicant and to refuse to accept applications from said applicant for a period of five (5) years.

CHAPTER 3

CLASSIFICATION AND PAY PLANS

Section 3.01 Classification Plan:

A Classification Plan shall be maintained which shall provide for the standardization and classification of all positions and employments in the Classified Services of the City. Such Classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of higher classes, insofar as is practicable, through promotions.

Section 3.02 Classification Plan Content:

The Classification Plan shall include:

3.02.01 A designation of Classes of Positions in the Classified Service arranged within appropriate occupational services and groups.

3.02.02 Class Specifications in such forms as the Board may prescribe and indicating the kinds of positions allocated to the respective classes as determined by duties, responsibilities, qualification requirements and lines of promotion. Class Specification shall include:

3.02.02.01 The title and Class.

3.02.02.02 A description of the duties and responsibilities thereof.

3.02.02.03 An indication of the minimum qualifications required of

applicants as to education, experience, physical ability and other attributes.

Section 3.03 Promotions:

The Board strongly recommends to the City Council that any person promoted from one Classification to a higher Classification shall immediately receive the Pay Grade in the higher Classification which is the next step above the Pay Grade that the employee was in prior to the promotion, or the lowest Pay Grade of the new position, whichever sum is greater and that such provisions should be included in any Pay Plan adopted by the City Council.

Section 3.04 Ratification of Existing Classification Plan:

The Classification Plan heretofore adopted, and as may be hereafter amended in accordance with these Rules, is hereby ratified.

Section 3.05 Amendments to Classification Plan:

Changes in and amendments to the Classification Plan may be adopted by the Board.

Section 3.06 Allocation of Positions to Classes:

The Director of Personnel and the Department Head shall allocate each position in the Classified Service to the appropriate Class in the Classification Plan on the basis of its authority, duties and responsibilities. As new positions are created or

additional classes are established, the Director of Personnel and the Department Head concerned shall make such allocations or reallocations of positions to new or existing Classes as are necessitated thereby. If, after a study of the authority duties and responsibilities of a position, it is determined that the position is not properly Classified, the Director of Personnel and the Department Head concerned shall reallocate the position to its proper Class or, if necessary, recommend the establishment of a new Class in accordance with Section 3.05 above.

Section 3.07 Appeals:

Employees affected by the allocation or reallocation of a position to a Class, or by any changes in the Classification Plan, shall be afforded a reasonable opportunity to be heard thereon after filing with the Board a written request for a hearing within five (5) days after receiving notice of the allocation, reallocation or other change. The Board shall arrange a time and place therefor. The findings of the Board shall be conclusive.

Section 3.08 Class Titles to be Used on Official Records:

Following the adoption of the Classification Plan and the allocation to Classes therein of positions in the Classified Service, the Class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the

Classified Service under any Class title which has not been approved by the Board as appropriate to the duties to be performed.

Section 3.09 Pay Plan For the Classified Service:

The power, mission, and authority of the Civil Service Board under the Charter of the City of North Miami Beach in regard to matters directly or indirectly relating to rates of pay of City employees in the Classified Service, is recommendatory only. The Board recognizes that pay is directly related to the taxing authority reposed in the City Council and accordingly, the ultimate responsibility for decision must rest with the City Council.

The City Council of the City of North Miami Beach should adopt and maintain a "Pay Plan for the Classified Service". The purpose and intent of the "Pay Plan for the Classified Service" should be to establish fair and equitable rates of salary for the various Classes in the Classified Service with regard to range of pay for other Classes, general rates of pay for similar employment in private establishments and other public jurisdictions in the area, cost of living data, the financial condition of the City and other pertinent factors.

3.09.01 Employees in the Classified Service should be paid at the rate assigned to the Class in which he/she is employed by the "Pay Plan for the Classified Service", except as provided in Section 8.09 of these Rules.

Section 3.10 Maintenance of the Pay Plan:

The City Council should, in a manner determined by the Council, from time to time, make those amendments, additions, deletions, revisions and other changes to the Pay Plan as they deem necessary to maintain its equity and fairness.

Section 3.11 Existing Pay Plan:

The Pay Plan in effect at the time of the approval of these Rules shall remain in full force and effect until such time as a new Plan is adopted or the existing Plan may be changed in accordance with these Rules.

Section 3.12 Status of Present Employees:

The status of all employees of the City, at the time of the adoption of these Rules, shall remain the same as under the Rules replaced hereby, until otherwise changed in accordance with these Rules.

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CHAPTER 4

APPLICATIONS

Section 4.01 **Application Required:**

No person shall be appointed to, or admitted to an examination for any class of positions in the Classified Service until he shall have filed an application, under oath, upon a form prescribed by the Board. Such application form shall be accompanied by such documents and exhibits as may be prescribed.

Section 4.02 **Content of Application Form:**

The application form shall require information covering experience, training, and other pertinent information as may be requested on the examination notice. No question or item of such application form shall relate to the age, sex, race, color, national origin, religion, handicap/disability or political affiliations or opinions of the applicant.

Section 4.03 **Application Periods:**

The time within which applications to take the examination for any class of positions will be received shall be fixed by the Personnel Director with notice to the Chief Examiner, and with the approval of the Board, and stated on the public notice

of each examination. In no case shall such period be less than ten (10) calendar days. No application will be accepted prior to the posting of an examination notice or after the closing date stated on the public notice of each examination. However, provisions may be made to notify interested persons of the announcement of examination to afford them the opportunity to complete the required application form within the dates designated for receiving applications, as hereinafter provided.

Section 4.04 Request for Application Information:

Request for information concerning application periods shall be accepted at all times during regular business hours.

Section 4.05 General Application Requirements:

All applicants must:

4.05.01 Provide proof that they are legally allowed to work in the United States. This includes a social security card and one of the following documents:

- a) Birth Certificate for U.S. Citizens
- b) Certificate of Naturalization
- c) Alien Registration Card ("Green Card")
- d) Documents requested on the I-9 Immigration form

except for Police Officers and any other position requiring United States Citizenship by law. Applicants for positions requiring United States Citizenship must provide a social

security card and one of the following documents:

- a) Birth Certificate for U.S. Citizens
- b) Certificate of Naturalization.

4.05.01.01 SECTION DELETED

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4.05.04 SECTION DELETED

4.05.05 Meet the minimum experience, educational and physical ~~and personal~~ requirements established for the class for which application is made.

4.05.06 Complete the application form within the dates designated on the examination notice for receiving applications.

4.05.07 Submit a separate and complete application form for each examination applied for.

Section 4.06 Rejection of Application

Although rejection may be based upon causes other than those enumerated, the following are declared cause for rejection of application or disqualification of applicant.

If it is determined that the applicant.

4.06.01 SECTION DELETED

4.06.02 SECTION DELETED

4.06.03 Lacks any of the minimum qualifications stated in the examination notices.

4.06.04 Is physically so disabled as to render him/her unfit for the performance of the duties of the position to which he seeks appointment as provided for in the Americans With Disabilities Act of 1992.

4.06.05 Tests positive in a screen for illegal drugs or alcohol or tests positive for a prescription drug that he or she does not have a prescription for as provided for in the Drug Free Workplace Act.

4.06.06 Has been guilty of any crime involving moral turpitude or of dishonorable conduct.

4.06.07 Has been dismissed from any previous employment for flagrant delinquency or misconduct, or has resigned any employment after charges have been brought in accordance with these Rules or similar rules of other personnel agencies and such charges have been investigated.

4.06.08 Has intentionally made a false statement of any material fact, or has practiced or attempted to practice any deception or fraud in his application or examination.

4.06.09 Has, within the past six (6) months prior to date of examination, participated in and failed to attain a passing grade in an examination for the same class of position, except as provided in Section 5.17 below.

4.06.10 Failed to complete the required application before the closing date stated on the examination notice.

4.06.11 Failed to report promptly after receiving notice of the time and place of examination.

Section 4.07 SECTION DELETED

Section 4.08 Preference Points for Residents:

4.08.01 Bonafide residents of the City of North Miami Beach shall have eight (8) points preference added to their earned score, provided that they must first attain a qualifying score as hereinafter prescribed in Section 5.10.

4.08.02 SECTION DELETED

Section 4.09 Appeal of Rejected Applicant:

Any applicant who is denied permission to compete in any examination, or whose application is disqualified, may within five (5) days after notice of rejection or disqualification, appeal in writing to the Board for review of such ruling. The Board shall, if time permits, afford such applicant an opportunity to be heard in his own behalf; but announced examinations shall not be postponed or delayed for this reason. The decision of the Board on review shall be final.

Section 4.10 Certification of Applications:

All applications must be signed and the truth of all statements therein certified by such signature.

Section 4.11 Applications Property of the Board:

All applications submitted become the property of the Board and are subject to the records retention portion of the Florida Public Records Law.

CHAPTER 5

EXAMINATIONS

Section 5.01 Examinations for Competitive Classes:

Subject to the approval of the Board, the Personnel Director with the approval of the Chief Examiner shall call open or promotional examinations or a combination open and promotional examination to fill vacancies in the Classified Service, or to provide eligible lists for classes of positions where vacancies are likely to occur.

5.01.01 Open Competitive Examinations: The call shall be made by posting all examination announcements in a conspicuous place in City Hall, and by publication of title, qualifications and salary range in a newspaper qualified as a legal publication of the City, at least once, five (5) calendar days in advance of the last date to file applications, and by mailing examination notices at least seven (7) calendar days prior to the last date to file applications, to those persons who have filed request for application information. The Personnel Director may give the examination such other publicity as may be deemed necessary.

5.01.02 Open Continuous Competitive Examinations: Open competitive examinations on a continuous basis shall be announced by maintaining a continuous examination announcement in conspicuous placed in City Hall and in other public places. The announcement shall stipulate the time and place tests will be administered.

5.01.03 Promotional Examinations: Promotional examination announcements

shall be sent to all departments concerned at least ten (10) calendar days prior to the last data to file applications. Department Heads shall inform all employees in their departments of announced promotional examinations and shall post said notice in a conspicuous place in the offices of the department.

5.01.04 Combination Open and Promotional Examinations: Combination open and promotional examinations shall be announced in the same manner as prescribed in Section 5.01.01 and 5.01.03 above. The announcement shall stipulate the fact that both an original entrance list a promotional list will be established from the results of the examination.

Section 5.02 Kinds of Examinations:

Examinations shall be announced as one or more of the following:

5.02.01 Open Competitive Examinations: An examination which is open to all persons, whether employed by the City of North Miami Beach or not, who meet the qualifications and comply with the prescribed requirements for admission thereto.

5.02.02 Open Continuous Competitive Examinations: An examination for which applications are accepted on a continuing basis and for which examinations are given on a continuous periodic basis, as needed to meet the needs of the Service.

5.02.03 Promotional Examination: An examination which is open only to the employees in appropriate lower classes in the Classified Service and given for the purpose of establishing a list for a designated classification from which to certify eligibles

for promotion. Such examinations shall be based upon records of merit, efficiency, character, conduct, seniority, and shall include competitive tests.

5.02.04 Competitive Assembled Examination: An examination in which applicants are called together in one or more designated places to compete in tests according to procedures established and controlled by the Board or its authorized agent.

5.02.05 Competitive Unassembled Examination: An examination which may, but shall not necessarily require applicants to report to a designated spot to be examined and in which applicants are subject only to general controls as to the manner in which required material is submitted to the examining staff for review and rating. Such examinations shall be managed and conducted in the manner determined by the Board, according to the class of position involved. Open continuous competitive examinations shall be considered unassembled examinations.

Section 5.03 Suspension of Examination when Competition is Impracticable:

In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons, competition in such special case is impracticable, and that the position can best be filled by a selection of some designated person of high qualities, the Board may declare the position to be in the non-competitive class and suspend the provisions of these Rules requiring competition for such position. In all such cases of suspension of examination, the Minutes of the Board

shall record the reason therefor for public inspection.

Section 5.04 Scheduling Examinations:

Examinations shall be scheduled as frequently as the needs of the Service may require.

Section 5.05 Postponement and Cancellation of Examinations:

The Board may cancel or postpone examinations for any reasons considered good and sufficient and such cancellations or postponement shall be recorded, with the reasons therefor, in the Minutes of the Board. All qualified applicants shall be notified of the action.

Section 5.06 Character of Examinations:

Examination tests required shall be practical in nature and shall relate to matters which fairly measure the relative fitness and capacity of the applicants to discharge the duties of the position which they seek, and shall take into account character, training, experience, physical and mental fitness. No question in any test shall relate to race, color, age, national origin, sex, handicap/disability, or to political or religious opinions, affiliations or service.

Section 5.07 Content of Examinations:

Examinations may contain one or more of the following tests as may

be determined by the Chief Examiner with the approval of the Board:

5.07.01 Written tests of aptitude and mental fitness, and knowledge of the work.

5.07.02 Oral interview or test evaluating education, training and experience and other personal qualifications. All tests, however, shall be practical and competitive in character, except where competition is suspended.

5.07.03 Practical or performance tests demonstrating the skill and ability of the applicant to actually perform the work.

5.07.04 Athletic tests of physical skill and agility where appropriate.

5.07.05 Physical tests of strength and fitness where appropriate.

Section 5.08 Medical Examinations:

All eligibles in original examinations for positions in the Classified Service must, once an offer of employment is proffered, submit to a physical examination as provided for by the Americans With Disabilities Act of 1992. The results of such examinations may be used to determine the fitness of the applicants or eligibles for the work and need not be a factor in determining the general average. The Board may, however, establish tests of physical strength and condition as a subject in examinations and give weight thereto. Where positions require special physical fitness, the Board may require re-examination of eligibles or employees to determine whether they continue to possess the required physical fitness for the work.

Section 5.09 Conduct of Examinations:

5.09.01 Administration of Examinations: Subject to the approval of the Board, examinations shall be under the direction of the Chief Examiner and conducted by him or by Special Examiners. The Chief Examiner, with approval of the Board, may designate and appoint Special Examiners to personally conduct an examination or any part thereof. If for any reason it is found necessary to call Special Examiners to conduct an examination and time does not permit the calling of a Special Meeting of the Board in accordance with these rules, the Chief Examiner shall personally contact the Chairman and at least one other appointed Board member for consent to call in Special Examiners. The Secretary to the Board shall be designated as a permanent Special Examiner.

5.09.02 Admission of Tardy Candidates in Examinations: The Chief Examiner or his/her authorized agent may refuse to admit an applicant to an examination if timed tests have started. No candidate shall be admitted after any candidate has withdrawn from the examination or has completed his/her tests and left the room.

Section 5.10 Subjects, Weights and General Average:

In examinations composed of several tests which are graded independently, weights shall be assigned to each test representing its relative value in ascertaining the fitness of the applicant; the applicant's grade in a test shall be multiplied by the weight assigned to that test; the sum of the resulting products shall be divided by the total weights of all subjects in the general average which shall be used in determining

5.12.01 If the candidates having the tie rating are employed by the City, the one having the greatest seniority shall be given preference.

5.12.02 If one of the candidates is employed by the City and the others are not, the City employee shall be given preference.

5.12.03 If one candidate is a bonafide resident of the City and the others are not, the resident shall be given preference.

5.12.04 If the candidates are not employed by the City and are not residents of the City, preference shall be determined by the score attained in the subject of the greatest weight; if a tie still exists, by the score attained in the next value in weight, and so on until the tie is broken.

Section 5.13 Notice of Results of Examinations:

As soon as the rating of an examination has been completed and the eligible list established, each competitor shall be notified by mail of the result of his/her examination, and, if successful, of his/her final average and his/her relative position on the eligible list.

Section 5.14 Combining Examination Results:

In examinations which are open for an indefinite period and for which tests are held periodically and supplementary lists established, eligibility will be determined by the final average of eligibles without preference to the date they qualified

in the examination.

Section 5.15 Inspection of Examination Papers by Candidates:

All applications and examination papers are the property of the Board and shall be treated as confidential records. Any candidate may review his/her examination papers within a period of thirty (30) days after receiving notice of the result of the examination, except that standardized test questions and other questions, so announced, are not subject to review. The scoring by the examiners shall be deemed prima facie correct. No examination paper or any part thereof, or any record or statement rated as part of the examination in connections therewith, shall be subject to alteration, addition, or amendment by the applicant, or to remarking, except that the Board may correct any manifest error of scoring. Such corrections shall be recorded in the Minutes of the Board along with the explanation thereof.

Section 5.16 Preservation of Examination Papers:

Applications and examination papers of candidates who failed in examinations shall be on file in the Personnel Office and shall be retained pursuant to the Retention Laws as outlined in Florida Statutes.

Section 5.17 Re-Examination:

No person who has failed to pass an examination shall be permitted

to be re-examined for the same class of position within six (6) months from the date of such failure, except that the Board may permit all persons who have failed in an examination to be re-examined before the expiration of the six-months' period, but in no case less than sixty (60) days from the date of such failure, if an adequate eligible list for the class of position was not secured and such action is deemed necessary for the good of the Service.

the final grade. The final grade shall determine the order in which the name of applicant shall appear on the eligible list, except where additional credit is allowed Veterans as provided by Florida Statutes 1951, Section 295.07 to 295.11, or where residence preference points are allowed bonafide residents of the City in accordance with Section 4.08.01 above; provided, however, that such applicants must first pass the tests and attain the eligible list before such credit is given.

Section 5.11 Examination Grades:

Candidates shall be graded on a scale in which 100% represents the highest possible attainment on examination grade; however, addition of Veterans' Preference points in accordance with Florida Statutes or residence preference points, if allowed, may result in grades in excess of 100%. In order to attain a place on the eligible list, a candidate's general average in the examination must be no less than 70%; provided, however, that the Chief Examiner, with the approval of the Board, may require at least 70% in some specific part of an examination as published in the announcement, and the failure of the candidate to make such required 70% in that part of the examination will disqualify him/her in the entire examination.

Section 5.12 Preference in Cases of Equal Final Averages:

When two or more candidates have the same final average in an examination, preference shall be given as follows:

CHAPTER 6

ELIGIBLE LISTS

Section 6.01 Eligible Lists:

The Director of Personnel shall maintain eligible lists for each class of position in the Classified Service for which either original appointment or promotional examinations have been given, or for which applications are accepted on a basis of priority by date of application. Such list shall contain the names of those persons who have successfully completed prescribed requirements, listed and ranked in order of their final earned rating from the highest to the lowest, and who are considered qualified for original, promotional or re-employment appointments to positions in the class for which the examination was held. Re-employment lists shall be maintained for each class of position as prescribed in Section 6.09 of this rule.

Section 6.02 Kinds of Eligible Lists:

6.02.01 Original Appointment List: An eligible list established by an open competitive examination.

6.02.02 Promotional List: An eligible list established by a promotional examination.

6.02.03 Re-employment List: An eligible list containing the names of former

regular status employees who have occupied, and have been separated by reduction-in-force from permanent positions in the Classified Service, and who are entitled to preference in appointment to vacancies in positions.

Section 6.03 Promulgation:

The effective date of an eligible list shall be established by the Board and shall be not earlier than the date examination results are officially announced. No person shall publish or make known the final grades and positions on eligible lists prior to the date of the official announcement of same. The effective date of re-employment eligibility shall be no earlier than the date of separation or demotion of the eligible concerned.

Section 6.04 Duration of Eligible Lists:

Eligible lists shall be in effect for a period not to exceed one 1) year from the effective date unless extended as provided in Section 6.05 of this rule. Eligibility on re-employment lists shall be for one (1) year unless extended as provided in Section 6.09.01 of this rule, with the exception of Police Officer Trainee, Police Sergeant, and Police Lieutenant which shall be in compliance with C.A.L.E.A. Accreditation requisites.

Section 6.05 Extension of Eligible Lists:

Upon request of an appointing authority, the Board may extend an eligible list for an additional period not to exceed one (1) year. Request for extension of a list shall be submitted prior to the date of expiration of the list. Whenever a list has been extended, eligibles remaining thereon shall be notified. Eligibility on re-employment lists may be extended upon request, as provided in Section 6.09.01 of this rule.

Section 6.06 Failure to Reply:

Failure on the part of an eligible to reply to a questionnaire in regard to availability will result in his/her name being passed over and he/she will not be given further consideration unless reasons presented for failure to reply meet with the approval of the Board.

Section 6.07 Removal of Eligibles from List:

The name of an eligible may be removed from lists of eligible for any of the causes enumerated in Section 4.05, or for other causes deemed good and sufficient by the Board. Anyone whose eligibility is canceled may appeal in writing and be afforded an opportunity to be heard by the Board. The findings of the Board will be conclusive. The names of eligible removed from lists and reasons therefore shall be recorded in the Minutes of the Board.

Section 6.08 Reinstatement to Original Appointment or Promotional Lists:

6.08.01 Reinstatements to original appointment or promotional lists may be made under the following conditions:

6.08.01.01 A request for reinstatement to an original appointment or promotional list must be made to the Board in writing.

6.08.01.02 The efficiency ratings of such applicants for the period preceding separation from the Classified Service must be satisfactory.

6.08.02 Any employee whose appointment has become regular after serving his/her probationary period satisfactorily, who, without fault or delinquency on his/her part, resigns of his/her own free will from Service, may, after three (3) months and within one (1) year from the date of said resignation, request reinstatement to an original appointment or promotional list for the class of position in which such service was rendered; and the Board, shall, at its discretion, grant or deny such request. If the request is granted, the position on such original appointment or promotional list shall be determined by the Board. Eligibility shall continue for a period of one (1) year, unless the name is removed in accordance with Section 4.05, or Section 6.06 herein. If no appropriate original appointment or promotional lists exists anyone granted reinstatement under this rule shall have the same eligibility a though there were such a list. After the expiration of the original appointment or promotional list on which there is a reinstated name, such name shall continue to have eligibility until the completion of the prescribed one-year period, provided that within such period it shall be placed on succeeding original appointment or promotional lists for the same class of position, according to the position

originally approved by the Board.

6.08.02.01 In the case of a former Police Officer whose service was with the City of North Miami Beach and who meets the qualifications as set forth in Section 6.08.02 (supra), the Civil Service Board shall, at its discretion, grant or deny such request. If the request is granted, the position on such original appointment or promotional list shall be determined by the Board. Eligibility shall continue for a period of one (1) year, unless the name is removed in accordance with Section 4.05, or Section 6.06 herein. If no appropriate original appointment or promotional list exists, anyone granted reinstatement under this rule shall have the same eligibility as though there were such a list. If reinstatement of the applicant is approved by the Board, a recommendation from the Board shall be submitted to the Appointing Authority requesting the applicant be reinstated with credit for prior service pertaining to the Classified Pay Plan only. The reinstated employee may be given the same classified position held by him at the date of his/her resignation and assigned applicable pay grade appertaining thereto with discretion by the Civil Service Board of the Appointing Authority for the applicant to commence in such step within the pay grade as the Appointing Authority or Civil Service Board may determine. The assignment of commencing step shall be discretionary with the Appointing Authority but may be assigned by the Civil Service Board if the Appointing Authority fails to exercise such discretion. Further, the Civil Service Board may recommend that no probationary period for that classification of position be required upon rehiring. Credit for service prior to resignation will not be given as regards seniority,

qualifying for promotional examination or retirement.

Notwithstanding any of the foregoing provisions nothing contained in this Rule shall act to modify the sole and unlimited discretion of the Appointing Authority to reject such approval or recommendation of the Civil Service Board, in which event, the applicant shall not be rehired under the terms and conditions set forth by the Civil Service Board. The Appointing Authority may rehire the applicant under any other terms and conditions he/she, in his/her sole discretion, may desire to impose, provided he/she does not exceed the recommended or approved classification or step assigned by the Civil Service Board.

6.08.02.02 Police Officer applicants whose prior service was obtained from an employer other than the City of North Miami Beach may petition the Board for appointment with credit given for prior service. However, the applicant must first meet the same requirements demanded of a new employee. The Board shall then, at its discretion, grant or deny such request. Should the request be granted, the Board will submit a recommendation to the Appointing Authority and if approved, credit given for prior service will apply to the Classified Pay Plan only. Credit for prior service will not apply to qualifying for seniority, promotional examinations or retirement, or priority on lay-off.

Notwithstanding any of the foregoing provisions, nothing contained in this Rule shall act to modify the sole and unlimited discretion of the Appointing Authority to reject such approval or recommendation of the Civil Service

Board, in which event, the applicant shall not be rehired under the terms and conditions set forth by the Civil Service Board. The Appointing Authority may rehire the applicant under any other terms and conditions he/she, in his/her sole discretion, may desire to impose, provided he/she does not exceed the recommended or approved classification or step assigned by the Civil Service Board.

6.08.03 Anyone selected from an original appointment or promotional list, who has served on a limited appointment on a special project, or in place of a regular employee on leave, shall, when his/her services are no longer needed, be entitled to automatic reinstatement to the original appointment or promotional list from which he/she was appointed according to his/her examination grade or at the top of a newly established list, provided he/she has a satisfactory service rating for the period of service, and he/she meets the qualifications required of those eligible for regular appointment.

6.08.04 Any probational employee who without fault or delinquency on his part, has been separated from the Service or reduced in rank because of lack of work or funds, shall have his/her name automatically placed at the head of the original appointment or promotional list for the class of position. In event that there is more than one employee eligible to be placed at the top of the original appointment or promotional list, the order shall be determined, first, by seniority and second, by original examination grades.

6.08.05 Any former employee who was discharged, or who resigned under charges, shall not be eligible for reinstatement to any eligible list.

Section 6.09 Re-employment Lists

6.09.01 Re-employment Lists for Regular Work: Any employee whose appointment has become regular after having served his/her probationary period satisfactorily, who, without fault of delinquency on his/her part, has been separated from the Service or reduced in rank because of lack of work or funds, shall have his/her name automatically placed upon the re-employment list for the class from which he/she was separated or demoted. Whenever there is no further need for a class and it is abolished in accordance with these rules, any incumbent in a position in such class, shall have his/her name automatically placed upon the re-employment list for the class, and his/her name may be certified for a vacancy in any comparable class in accordance with Section 7.03. The place on such re-employment list shall be the inverse order of separation as prescribed in Section 13.12.01. A name shall be placed on the re-employment list for the class for a period of one (1) year; however, an eligible person whose name is on a re-employment list, who has not been re-employed within the one (1) year period, may request in writing an extension of his/her eligibility for another year. The Board may, at its discretion, grant or deny such request. No person's name shall remain on a re-employment list for a period longer than two (2) years.

6.09.02 Re-employment Lists for Seasonal Work: Employees who have been appointed for seasonal work and who have served satisfactorily during the continuance of the eligible lists from which appointed, shall have their name placed upon the seasonal re-employment list for the class of position in which they were employed. The order of

names on the seasonal list shall be in accordance with the efficiency ratings and shall be revised at the beginning of each calendar year. If efficiency ratings, which must be at least satisfactory, are equal, seniority shall determine the place on the list. If an employee whose name is on a seasonal list fails to work for two (2) seasons, his/her name shall be automatically removed from the list and he/she shall have no further Civil Service standing in such class of position.

Section 6.10 Change in Address of an Eligible

Eligible shall be required to notify the Board of any change in address while their names remain on the eligible list.

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CHAPTER 7

REQUISITION AND CERTIFICATION

Section 7.01 Request for Certification:

Whenever a vacancy in the Classified Service is to be filled, other than by transfer or demotion, the appointing authority shall make requisition upon the Board for eligibles for appointment to the class of position for which the vacancy exists. Such requisition shall be upon forms specified by the Board, and shall specify the department, the class, and compensation to be paid, also whether the employment is temporary or regular, and when the employment is to begin, and the probable length of such employment, if not regular.

Section 7.02 Priority of Eligible Lists:

Certification shall be made from existing eligible lists in the following order of preference:

- 7.02.01 Re-employment lists.
- 7.02.02 Promotional lists.
- 7.02.03 Original appointment lists.

Section 7.03 Certification from Re-employment Lists:

Upon receipt of requisition for certification of an eligible to fill a vacancy, the Director of Personnel shall certify from the re-employment list, the name

of the eligible who previously worked in the department and is first on the list for the class of position for the department making the request. If no one on the list has previously been employed in the department in the class of the position, the names of the three (3) persons standing highest on the re-employment list for the class of position shall be certified; provided, however, that fewer number of names may be certified when there is not the required number on the re-employment list.

Section 7.04 Certification from Promotional Lists:

Upon receipt of requisition for certification of an eligible to fill a vacancy, in the absence of a re-employment list, the Director of Personnel shall certify the names of the three (3) eligibles employed in the department making the request, standing highest on the promotional list for the class; provided, however, that a fewer number of names of employees in the requesting department shall be certified when there is not the required number on the promotional list. If no one on the list is employed in the requesting department, the names of the three (3) eligibles standing highest on the promotional list shall be certified; provided again, however, that a new number of names shall be certified when there is not the required number on the promotional list. No person shall be certified from a promotional list who has been permanently separated from the Classified Service.

In addition to the causes contained in Section 4.05, the appointing Authority may object to the certification, subject to the provisions of this Section, of any eligible when the eligible is a relative of an employee already working in the department in which the appointment is to be made. In the event an eligible is not considered for this reason his/her name shall be returned to the eligible list for possible consideration at a later date in some other department.

The person against whom objection is made may, within five (5) days, request in writing the opportunity to be heard by the Board. The Appointing Authority making the objection shall also be afforded the opportunity to present his reasons for such objection. If the objection is sustained by the Board, the next highest name on the eligible list shall be certified and notice of withdrawal of certification sent to the person.

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CHAPTER 8

APPOINTMENTS

Section 8.01 Appointments from Certification:

The appointing authority shall select from the list of eligibles certified, the number of persons required to fill the vacancies in the department making the request, unless objection is made to an eligible as provided in Section 7.09. Whenever an eligible list, equalling the number of positions to be filled with two (2) in addition thereto, the eligibles thereon shall be eligible for temporary appointment until additional names shall be certified after competitive tests; provided, however, that a promotional appointment may be made at the discretion of the appointing authority.

Section 8.02 Regular Appointment:

Employment of a person in a position regularly established without limitations as to the length of such employment shall be considered a regular appointment after completion of a probationary period if recommended by his/her appointing authority.

Section 8.03 Probationary Appointment:

8.03.01 Definition: Any appointment to a permanent position in the Classified Service made from an original appointment or a promotional list, shall be a

probational appointment subject to the completion of a satisfactory probationary period.

8.03.02 Purpose: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his/her position, and for dismissing any employee whose performance does not meet required work standards.

8.03.03 Length of Probationary Period: The probationary period for all employees accepting an appointment from a promotional list, unless otherwise noted, shall be six (6) months. The probationary period for an original appointment shall be one (1) year.

The probationary period for Police Department personnel accepting an appointment from an original or promotional list shall be one (1) year. In the case of newly appointed Police Officers who have not yet graduated from an accredited Police Academy as required by the Florida Minimum Standards Act, the probationary period shall be extended to one (1) year from graduation from said academy.

8.03.04 Duty of Department Head During Probationary Period: It shall be the duty of the department head, during the probationary period of each employee in the Classified Service, to investigate thoroughly the efficiency, conduct and integrity of such employee, and to determine whether or not he/she shall be retained in the Classified Service in the class to which he/she has been appointed, and so notify the Board on forms prescribed. No employee will be granted regular status unless such action is

recommended by his/her department head and appointing authority.

8.03.05 Credit for Substitute, Provisional and Temporary Service:

Satisfactory service under a substitute appointment may be credited in full to the probationary period upon recommendation of the appointing authority. Satisfactory service under a provisional or temporary appointment may be credited to the probationary period upon recommendation of the appointing authority; provided, however, that no more than three (3) months of such service or a combination thereof may be credited to the probationary period. No credit shall be allowed for service under an emergency appointment.

Section 8.04 Substitute Appointment:

When it is necessary to fill a position which has become vacant as a result of the granting of a leave of absence to the regular incumbent, the appointing authority may make a substitute appointment from the appropriate eligible list not to exceed the duration of such leave of absence in the manner provided in Chapter 7; provided, that the acceptance or refusal of appointment to such position shall not affect the right of an eligible to certification for a probationary appointment, except as provided in Section 8.05 of this rule. Upon the return of the regular incumbent to his/her position at any time on or prior to the expiration of his/her leave of absence, the services of the substitute appointee shall be automatically reduced to the position in which he/she previously held regular status. Lists of substitute appointments shall be maintained by

the Board. An employee in a substitute status is not entitled to the rights afforded regular status employees under these rules, however, a substitute status employee may attain regular status under the provisions of Section 8.05 of this rule.

Section 8.05 Change from substitute to Regular Status:

In the event a position filled by a substitute appointment becomes regular through a change in conditions of subsequent legislative action, or in the event an employee fails to return to his/her position on or before the expiration of his/her leave of absence, the vacancy thereby created shall be filled in the manner prescribed for an original appointment by these rules; provided, however, that upon the request of the appointing authority, an employee who has been filling the position under a substitute appointment, and whose service rating is satisfactory or better, and who has served not less than six (6) months, may have his/her status changed from substitute to regular upon recommendation of his/her appointing authority, and shall be entitled to continue to hold such position as a regular employee. An employee who has served less than six (6) months may receive credit for substitute status service as provided in Section 8.03.05 above.

Section 8.06 Temporary Appointment:

If it is anticipated that a position will not exceed six (6) months duration from the time it is filled, such a position shall be filled by temporary appointment from the appropriate eligible list as provided in Chapter 7, provided that the

acceptance or refusal of appointment to such position shall not affect the right of an eligible to certification for probationary appointment. At the expiration of the six (6) months temporary appointment , the incumbent shall be automatically separated by termination, unless a department finds it necessary to continue a temporary position beyond the expiration date of six (6) months. If an extension is necessary, the appointing authority shall so notify the Board at least two (2) weeks in advance thereof, and shall state the probable period of extension together with the reasons and such additional information as the latter may require. No extension of a temporary appointment shall exceed an additional six (6) months beyond the original six (6) months period. Any position originally established as a temporary position which is extended beyond one (1) year shall be filled by a probationary appointment in accordance with this rule. Satisfactory service under a temporary appointment may be credited to the probationary period in accordance with Section 8.03.05 above.

Section 8.07 Provisional Appointment:

When it is urgent that an immediate appointment be made to fill a vacant position and no one is available on an appropriate eligible list, any person approved by the appointing authority may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established. The appointing authority shall immediately report any provisional appointments to the Chairman and shall schedule an examination in accordance with these Rules. Such appointments shall be made with the

understanding that the appointee will be required to take a competitive examination and meet all other requirements for the position. In no case shall a provisional appointment continue longer than ninety (90) days, nor shall there be successive provisional appointments of the same person. Satisfactory service under a provisional appointment may be credited to the probationary period in accordance with Section 8.03.05 above.

Section 8.08 Emergency Appointment:

In case of extreme emergency, when it is in the interest of the public safety, health, welfare, or economy to employ persons most readily available for the performance of certain work, an appointing authority may secure the necessary help wherever possible irrespective of the existence of suitable eligible lists. Within twenty-four (24) hours of making an emergency appointment, the appointing authority shall so notify the Board, in writing, stating the reasons for such appointment and such other information as the Board may require. Emergency appointments may be canceled at any time by either the appointing authority or the Board. Such appointments shall last no longer than seven (7) calendar days, but in the absence of available persons on suitable eligible lists and with the approval of the Board, an emergency appointment may become a provisional appointment, the beginning date of which shall be considered to be the day work commenced under the emergency appointment.

Section 8.09 Limited Appointment:

When a vacancy occurs in a position of a Part-time or Temporary

nature and the position has been declared as part of the non-competitive class, the City Manager may appoint any qualified person under a limited appointment to fill the vacancy. Limited appointments shall be for a designated period of time and each such appointment shall be reported to the Civil Service Board. Upon making an appointment under this Section of the rules, the City Manager shall submit to the Civil Service Board the following information:

Name of Appointee
Date of Appointment
Length of Appointment
Position to which appointed
Salary to be paid

Persons appointed under this Section shall not be entitled to the rights afforded regular status employees under these rules. No credit shall be given towards other types of appointment for service under a Limited appointment.

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CHAPTER 9

CLASSIFIED AND UNCLASSIFIED SERVICE

Section 9.01 The Civil Service of the City is, in accordance with the Charter, Divided into the Classified and the Unclassified Service:

9.01.01 Unclassified Service: The Unclassified Service shall be defined in Section 3, Chapter XIII of the Charter.

9.01.02 Classified Service: The Classified Service shall include all persons not specifically included in the unclassified Service as set forth above, and shall be divided into a competitive class, a non competitive class and a labor class.

9.01.02.01 Competitive Class: The competitive class shall include all positions and employment for which it is practicable to determine the relative fitness of applicants by competitive examinations.

9.01.02.02 Non-Competitive Class: The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational nature as determined by Section 5.03 of these rules.

9.01.02.03 Labor Class: The labor class shall be limited to those persons filling positions requiring unskilled labor with no special experience, educational or other qualifications other than physical fitness.

No written examination shall be required for ordinary unskilled

labor. However, where certain basic minimum intelligence is require to perform a specific job, then such job shall be transferred from the labor class to the competitive class.

CHAPTER 10

PROMOTIONS

Section 10.01 Advancement to Higher Classes:

Positions in higher classes in the Classified Service shall, as far as is practicable and consistent with the best interests of the Service, be filled by promotions following competitive examinations. Such examinations shall be based on records of merit, efficiency, conduct and seniority. Whenever experience derived in the lower grade tends to qualify for the higher, class specifications shall indicate the possible line of promotion and probable source of recruitment. Any change from a class in a given pay grade to a class in a higher pay grade shall constitute a promotion. Whenever an examination is to be held to establish an eligible list for any class, the Board shall decide as to whether or not a promotional or original entrance examination, or both shall be held.

Section 10.02 Eligibility for Promotional Examinations:

When promotional examinations are held, they shall be limited to employees in the Classified Service who have regular appointments in the class or classes designated by the Board in the public notice as being eligible to participate in the promotional examination. The Board will determine the length of service required in such class or classes in order to be eligible to participate in promotional examinations.

Section 10.03 Efficiency and Seniority:

In computing a rating for efficiency and seniority used as factors in a promotional examination, efficiency shall have equal the weight of seniority. Ratings for the year immediately preceding the examination shall be used in computing efficiency; for A.F.S.C.M.E. Bargaining Unit Members only, total length of time served in the class or classes designated in the examination announcement shall be used in computing seniority with a maximum allowance credit of ten (10) years. Credit shall be calculated at a rate of one fourth (1/4) point for each full month of service in grade. No credit shall be given for periods of service of less than one month. For all Police employees, credit for seniority shall be calculated at one half (1/2) point per year of service in grade with no maximum. (Revised September 19, 1991 Regular Meeting of the Board).

Section 10.04 Three (3) residency points shall be given for promotional examinations.

Section 10.05 Promotions upon Retirement:

Any officer of the Police Division may, upon retirement, be promoted without examination, to the next higher rank in the service. This promotion is to be based entirely upon the recommendation of the department head, and is an honorary promotion, carrying no Civil Service rights or status.

CHAPTER 11

TRANSFERS

Section 11.01 Transfers:

Transfers shall be in accordance with this Section.

11.01.01 Request for Transfer: All request for transfer must be made in writing. Such requests shall state the reasons therefore and shall be subject to the approval of the Board. Transfers may be made upon request by an employee subject to the approval of the releasing and the receiving department heads and the appointing authority. Transfers may also be made upon request of the appointing authority who must give at least one (1) week's notice to the employee concerned.

11.01.02 Kinds of Transfers:

11.01.02.01 Interdepartmental Transfer: The transfer of an employee from a position in one department to a position in the same class in another department shall be called "Interdepartmental Transfer". If, at any time within sixty (60) days from the date of transfer, the services rendered by the employee in the position to which he/she has been transferred are not satisfactory, he/she shall be transferred back to his/her former position, and the reasons for this transfer stated. If upheld, these reasons will be entered in the transferee's personnel file.

11.01.02.02 Interclass Transfer: The transfer of an employee from a

position in one class to a position in another class for which the pay grade is the same, shall be called a "Class Transfer", and may be made under the same conditions as provided for in "Inter-departmental Transfer".

11.01.02.03 Transfer for Temporary Work: Transfer for temporary or emergency work may be made after first obtaining the consent of the Board, but in no case shall such transfer exceed thirty (30) days.

CHAPTER 12

LEAVES OF ABSENCE

Section 12.01 General Requirements:

Employees holding positions in the Classified Service shall be entitled to annual vacation and shall be allowed sick and special leaves of absence as hereinafter provided. All leaves of absence, whether with or without pay, shall be submitted in writing and approved by the Department Head and Appointing Authority. Extended leaves of absence shall be presented to the Board for action upon the recommendation of the department head and the appointing authority. Except in the case of sick and emergency leave, the time during which any leave of absence shall be taken by an employee shall be designated by the department head over the unit in which he/she is employed, and the request for such leave of absence signed by the employee and by the department head, shall be forwarded to the office of the Board at least one (1) week in advance of the beginning date of the leave requested. Leaves of absence shall be indicated on the payrolls submitted to the Board for checking and certification. Failure to submit requests for Leave of absence prior to the date on which payroll warrants are released will result in the withholding of payment to individual employees concerned until such requests have been submitted and approved.

Section 12.02 Holidays:

The following shall be recognized holidays: New Years Day, President's Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, Martin Luther King Jr's Birthday, and Employees Birthday. Employees shall be paid for legal holidays and when called to work on such days shall be compensated for the time worked in accordance with Section 12.12 hereinafter. Holidays falling on Saturdays will normally be observed on the Friday preceding the holiday, and holidays falling on Sunday will normally be observed on the Monday following such holiday.

Section 12.03 Annual Leave:

The basic annual leave policy of the City of North Miami Beach shall be 12 days vacation and 12 days sick leave, calculated on a forty (40) hour week; however, that portion of the first six (6) days of sick leave which is not used as sick leave shall at the election of the employee be added to the employees vacation or added to the employees sick leave bank. The remaining ^{SIX} seven days of sick leave shall be accumulated indefinitely in a sick leave bank. All current leave must be used before using the bank sick leave. Annual leave shall be accrued at the rate of eight (8) hours per month based on a forty hour week and sick leave shall be accrued at the rate of eight hours per month based on a forty hour week. Maximum accumulation of annual leave is 160 hours. Employees with more than 160 hours of accumulated annual leave on January 1, 1993,

the maximum amount of annual leave in the employee's account on January 1, 1993, up to a maximum of 400 hours. For subsequent years, the maximum allowable accumulated leave balance shall be the lowest balance in the employee's account as of January 1, 1993, or any year thereafter. If the balance on January 1 of any year should drop below 160 hours, the maximum accumulation shall be 160 hours. In order to recognize longevity of service, persons with six or more years of continuous service have the following additions to their annual leave:

After six years	- One day
After seven years	- Two days
After eight years	- Three days
After nine years	- Four days
After ten years	- Five days
After sixteen years	- Six days
After seventeen years	- Seven days
After eighteen years	- Eight days
After nineteen years	- Nine days
After twenty years	- Ten days

Section 12.04 **Use of Annual Leave:**

After an employee has been on the job for six months, annual leave can be scheduled by the department head and may be granted for the following reasons, provided the leave granted does not exceed leave earned:

- (a) Vacation leave.
- (b) Absence due to death or serious illness of a member of employee's family.
- (c) Absence to attend funerals.
- (d) Religious holidays, other than those specified as legal holidays.
- (e) Absence to transact personnel business which cannot be conducted during off-duty hours.

Persons who have been employed by the City for a period of six months or more shall receive payment for annual leave accumulated to the date at the time of their separation. Persons who are transferred from one department to another shall have their leave credits transferred with them.

Section 12.05 Sick Leave:

After an employee has been on the job for six months, sick leave shall be granted for the following reasons:

- (a) For absence due to personal illness or injury not service connected.
- (b) For personal medical and dental appointments.
- (c) For absence due to the death in the employee's immediate family. (Immediate family is defined as father, mother, brother, sister, children and spouse.)

Whenever possible, employees shall notify their department head of their illness on the first day of sick leave. Proof of illness or disability may be required at any time by the department head. Sick leave shall be forfeited upon separation from the City of North Miami Beach service except as set forth in Section 12.05.01 below, and no conversion of unused sick leave to annual leave shall be made for a partial year.

Persons re-employed within two years from a lay-off list may be credited with the sick bank accumulated as of the date of his lay-off.

12.05.01 Sick leave, upon separation, shall be subject to the following maximum limits:

- a) Employees with less than 460 hours on January 1, 1990 shall be paid for a maximum of 460 hours.
- b) Employees with more than 460 hours on January 1, 1990 will be grandfathered as to the maximum compensable balance in their "sick leave bank". The limit to be paid to such an employee upon separation shall be the balance in the "bank" on January 1 of any subsequent year, whichever is less. Upon separation, the rate at which the sick leave payment will be made for all leave earned prior to October 1, 1989, shall be the rate of pay in effect on October 1, 1989. Payments of sick leave earned after October 1, 1989, shall be at the rate of pay in effect at the time the sick leave is earned. The use of sick leave during the course of an employee's normal employment shall be made on the "LIFO" basis, i.e., the leave hours to be deducted from an employee's "sick leave bank" shall be the hours most recently earned. The rate of payment due to an employee upon separation from Civil Service based upon the limits set forth above, shall be in accordance with the following schedule:

In the event of the resignation, termination or other permanent separation of an employee prior to retirement, the following payment for accumulated sick leave shall be made to the employee:

after 2-1/2 years but less than 10 years.....	25%
more than 10 years but less than 15 years.....	50%
more than 15 years but less than 20 years.....	75%
over 20 years.....	100%

Upon early or normal retirement from the City of North Miami Beach, in accordance with the provisions of the Retirement Plan of the City of North Miami Beach, employees shall be paid for One-Hundred Percent (100%) of their accumulated sick leave as is below or equivalent to the applicable caps listed above.

In the event of a death of a regular employee of the City of North Miami Beach, all sick leave accumulated below or equivalent to the caps listed above as

of the date of death shall be paid to the beneficiary or beneficiaries designated by the employee to receive this death benefit.

Section 12.06 Leave With Pay

Leave with pay may be authorized in order that employees may serve required jury duty and for attendance at official and educational meetings.

Section 12.07 Leave Without Pay

A permanent employee normally may be granted leave of absence without pay for a period not to exceed one (1) year provided it is requested and approved in advance. A request for extension may be approved by the department head, the Director of Personnel and the Civil Service Board for sickness or disability, to engage in a course of study or other good and sufficient reasons which are considered to be in the best interests of the City of North Miami Beach service. Requests for maternity leave may be granted under the provisions of this Section. Leave of absence may be granted to a permanent employee to enable him/her to take an appointment in the exempt service.

Section 12.08 Military Leave

Employees who are called to active duty with one of the Armed Forces shall receive the rights and privileges authorized by Federal Military and Veterans Laws with respect to leave, status and re-employment.

An employee who is a member of one of the Military Reserve units or a National Guard unit will, after presentation of his/her orders, receive leave with pay not to exceed seventeen calendar days in a twelve month period.

Section 12.09 Disability Leave

Subject to the conditions and limitations hereinafter set forth, an employee shall be entitled to compensable leave during any absence necessitated by an injury sustained in the course of his/her employment, and in connection with which compensation is paid or payable under Workers' Compensation Laws of the State of Florida:

12.09.01 Application for disability leave shall be made by or on behalf of, the employee upon a form to be supplied by the Personnel Director, which form shall provide for the following information.

12.09.01.01 The date, place, cause and nature of the injury.

12.09.01.02 The name and address of attending physician, if any, and general statement of his/her diagnosis.

12.09.01.03 Date of filing of claim or notice under Workers' Compensation, and a statement regarding the prognosis of the physician, or estimate of the employee, concerning the period of disability.

12.09.01.04 Signature and oath of employee, or of person making

application on behalf of an employee who is disabled to be unable to provide the information, which oath may be on information and belief.

12.09.01.05 Such other information as may be required by the Personnel Director in the preparation and maintenance of the personnel records.

12.09.02 No disability leave shall be allowed except after investigation and confirmation of the injury by the City Manager and certification of the Personnel Director, that said injury complies with requirements of Workers' Compensation Act and after investigation and confirmation of the injury by the City Manager and certification of the Personnel Director pursuant to the City Manager's report, that the employee applying for such leave is entitled thereto under these regulations. The required investigation may be made by any officer or employee of the City designated for that purpose by the City Manager. Upon failure of the City Manager promptly to investigate or cause to be investigated, the circumstances of any such injury, and report thereon, certification of the Personnel Director may be made pursuant to an investigation and report of a committee composed of the Personnel Director and the employee members of the Civil Service Board.

12.09.03 The compensation payable by the City to an employee receiving disability leave pursuant to the Civil Service Rules, shall be the salary payable for the position held by the employee, and received by him/her, at the time of the injury, reduced by the amount of Workers' Compensation paid or payable, as a consequences of

the injury, on the basis of the wages of the injured employee. Provided however, that in the event of a downward revision in the pay plan applicable to the position held by any employee on the disability leave, the reduced salary shall be the basis of the employee's compensation, reduced by said Workers' Compensation payments.

12.09.04 Except as hereinafter provided, no disability leave shall exceed four (4) months, computed from the date of the commencement of the disability. There shall be no loss of earned annual or sick leave during the original four months period of entitlement.

12.09.05 No disability leave shall be allowed any employee whose status is other than permanent, except by recommendation of a committee composed of the employee's department head, the Personnel Director, and a physician designated by the City Manager. Any such leave shall be subject to the provisions of this Rule relating to entitlement of disability leave and shall not exceed four months computed from the fifteenth day following the commencement of the disability.

12.09.06 Upon the expiration of disability leave granted to an employee holding permanent status, such employee whose disability continues shall, upon application, have his/her case reviewed by a committee composed of the employee's department head, the Personnel Director, and a physician designated by the City Manager. Upon such review, including a current physical examination by the physician member of the committee, the committee may recommend the extension of disability leave, subject to the provisions hereinafter set forth, for an additional period, or subject

to the happening of a contingency, not exceeding the limitations in 12.09.06.03.

12.09.06.01 No disability leave may be extended pursuant to 12.09.06 unless the City Manager shall have failed to reject the recommendation within five (5) days from the date thereof. Should the recommendation of the committee be rejected by the City Manager, the matter shall be heard by the Civil Service Board at an early date and the decision of the Board shall be final, subject, however, to modification as hereinafter provided.

12.09.06.02 Repealed April 5, 1971 C.S.B. Regular meeting.

12.09.06.03 No disability leave shall be allowed for any period after one year from the date of the commencement of the disability.

12.09.07 No annual or sick leave may be accumulated during any period of disability leave.

12.09.08 Any employee who is absent from work on disability leave, may be required by the City Manager to submit to an examination by a physician designated by the City Manager, not more often than once in any week. Should the employee refuse without just cause to submit to such examination, upon notice from the City Manager to the employee and Personnel Director, the disability leave shall cease until and unless, restored pursuant to an appeal to the Civil Service Board; or until the results of an examination as requested, shall have been made available to the City Manager.

12.09.08.01 Should an examination made pursuant to 12.09.08 reveal that

the employee is not incapacitated to perform any duties of the position from which he/she is on leave, the City Manager shall notify the employee and the Personnel Director, and thereupon all further disability leave shall cease until and unless restored pursuant to an appeal to the Civil Service Board.

12.09.08.02 The report of the physician, pursuant to which action was taken by the City Manager, indicating or establishing that the employee is no longer incapacitated, as set forth in 12.09.08.01, shall be prima facie justification for the termination of the disability leave and the action taken by the City Manager shall be sustained unless overcome by competent medical testimony, sufficient to satisfy the Civil Service Board of the error of such action.

12.09.08.03 The provisions of this amendment shall apply, and control the determination of rights, to all injuries sustained in the course of employment on and after midnight of March 18, 1964.

Section 12.10 Compulsory Leave: Amended May 17, 1966.

When, in the opinion of a Department Head or the Senior Supervisor in charge in the absence of a Department Head, an employee is unable to perform his/her duties due to any non-service connected injury or illness or when an employee has committed an act or perpetrated an action considered by the Department Head or the Senior Supervisor in charge in the absence of a Department Head, to be cause for removal dismissal, suspension or other disciplinary action, the Department Head, may

relieve the employee of duty and place the employee on Compulsory Leave.

In the event the employee has been placed on Compulsory Leave for medical reasons, the employee may be required to submit to a physical examination by a physician named by the City Manager. If the report of the examining physician establishes that the employee is physically fit to perform his/her duties, he/she shall be returned to duty without loss of pay or leave. If the report of the examining physician establishes the employee is physically unfit to perform his/her duties, the Department Head may require the employee to take sick leave as is medically determined sufficient to restore him/her to acceptable physical condition for proper performance of his duties. Such required sick leave shall be considered to have commenced when the employee was placed on Compulsory Leave.

In the event the employee has been placed on Compulsory Leave for actions or an act considered by the Department Head or Senior Supervisor in charge in the absence of a Department Head, to be cause for suspension, removal, dismissal or other disciplinary action, the Department Head or Senior Supervisor in charge in the absence of a Department Head, shall report his/her actions to the City Manager as soon as is reasonably possible under prevailing conditions. The City Manager shall investigate the circumstances and review the actions of the Department Head or Senior Supervisor in the absence of a Department Head, and make a determination as to what course of action is to the best interest of the Service.

If the City Manager does not consider the actions or act of the

employee sufficient cause for suspension, removal or dismissal, the employee shall be returned to duty without loss of pay or leave. Such action by the City Manager shall not be construed to prevent or eliminate other disciplinary action by the City Manager such as demotion, etc.

In the event the City Manager considers the actions or act of the employee as sufficient cause for suspension, removal, or dismissal, he/she shall so specify in writing and deliver or cause to be delivered "Notice of Suspension or Dismissal or Removal" to the employee. The effective date of any suspension, removal or dismissal may commence with the date the employee was relieved of duty and placed on Compulsory Leave or on any date the City Manager shall so designate; however, any time lost by the employee not included in the date indicated by the City Manager as the dates of suspension, or any time preceding the date of removal or dismissal on which the employee was on Compulsory Leave shall be without loss of pay or leave.

The Senior Supervisor as used above, shall be a Department Head, Assistant Department Head or a person acting in capacity of Department Head.

The City Manager shall make his/her determination within seventy-two (72) hours of the time of the action by the Department Head or Senior Supervisor.

Section 12.11 Vacation Schedule:

The arranging of a vacation schedule shall be the responsibility of the Department Head; first with particular regard to the needs of the Service and then in so

CITY OF NORTH MIAMI BEACH

MEMORANDUM

TO: All Department Heads and City Employees

FROM: Michael Roberto, City Manager

DATE: December 12, 1995

RE: Policy on Compensatory Time Off In Lieu of Overtime

A. It is the policy of the City to compensate employees who are eligible and who work overtime with the required cash payment and not with compensatory time off in lieu of cash. The only exception to this policy is in instances where compensatory time off is included in a labor agreement.

B. Effective February 1, 1996, the official accruals for compensatory time off for eligible employees shall be maintained in the central personnel data system. Entries into the personnel data system for compensatory time off accruals shall be made by the Personnel Department.

C. Requests for payment for accrued compensatory time off shall be made in pay sheets by using a specific payment code to be used exclusively for this type of payment.

D. Accrual and payment of compensatory time off shall be authorized only for overtime hours worked and not for other reasons such as a bonus to an employee, etc.

E. Upon termination of employment or retirement accrued compensatory time off shall be paid to the employee at his/her then current rate of pay.

F. Exempt employees are not eligible to accrue or to cash-in compensatory time off.

MJR:jf

cc: Paul Leonard, Asst. City Mgr.

far as is possible with the wishes of the employees.

Section 12.12 Compensatory Leave:

Any employee in the Classified Service, except a Police Department employee, who is required to be on duty for any period on legal holidays (exclusive of Saturdays and Sundays) or other holidays granted by Council action to employees of the Classified Service, or who is required to work hours in excess of his/her standard work week shall be compensated at a rate of time and one half as required by the Fair Labor Standards Act, shall be credited with compensatory (overtime) leave equal to a full day's work on such holidays or equal to the number of hours in excess of his/her standard work week. Such compensatory leave must be certified by the Department Head as necessary work performed in the public interest, be approved by the Appointing Authority. Compensatory leave may be used at the discretion of the Department Head. It shall be credited to the employee's accumulated annual vacation leave and shall be governed by the same rules, except that it may be used at the discretion of the Department Head in any amounts after being earned, provided it is used within prescribed periods for annual vacation leave. Any compensatory leave that is not used before December 31st of the year following that in which it is earned shall be forfeited.

This provision shall not be construed to include Saturdays and Sundays when the regular duty hours of the employee require him/her to be on duty on those days. No employee will be permitted to accumulate compensatory leave in excess of the number of hours in one (1) standard work week for the class of position held, with

the exception of the regular appointment swimming pool employees who may, during the summer months only, accumulate more than five days compensatory leave which shall then be used during the winter months when the swimming pool hours are shorter and the pool may be closed because of inclement weather. Department Heads shall make an equitable distribution of compensatory leave among all employees of a class. Police Department employees shall receive compensation as outlined in the collective bargaining agreement between the City of North Miami Beach and the Dade County Police Benevolent Association.

Section 12.13 Reporting Leave of Absence:

No employee shall be permitted to be absent from duty for a period in excess of a normal break without reporting such absence under the provision of this rule. Periods of absence from duty of thirty (30) minutes or less, due to tardiness or other reasons, shall be made up. Periods of absence from duty in excess of thirty (30) minutes, due to tardiness or other reasons, shall be charged against the employee's leave record in accordance with the reason therefore.

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CHAPTER 13

SUSPENSIONS AND SEPARATIONS

Section 13.01 Authority for Demotions, Suspensions, Separations and Dismissals:

As provided in Section 7 of Article XIII of the Charter, the City Manager or the City Attorney in the Legal Department may, pursuant to the regulations of the Board, suspend, demote or otherwise discipline any employee of the Classified Service. The procedure for, and the rights of employees in such cases shall conform to the provisions of this rule.

Section 13.02 Demotions Definition:

The reduction of an employee from a position in a class to a position in another class for which the pay grade is lower shall be termed a "Demotion."

Section 13.03 Reasons for Demotions:

Demotions may be made by the appointing authority upon written request of the employee, approved by the department head and the appointing authority, and for any of the stated in Section 13.04 below.

Section 13.04 Cause for Suspension, Removal, Demotions and Dismissal:

The following are declared to be causes for suspension, removal, demotions or dismissal from the Classified Service of the City, though charges may be based on causes other than those enumerated:

13.04.01 That the employee is incompetent or inefficient in the performance of his/her duty.

13.04.02 That the employee has been offensive in his/her conduct toward his/her fellow employees, wards of the City, or the public.

13.04.03 That the employee has some permanent or chronic physical or mental ailment or disability which incapacitates him/her for the proper performance of his/her duties in accordance with the Americans With Disabilities Act of 1992.

13.04.04 That the employee has violated any lawful or official regulation or order or failed to obey any lawful and reasonable direction given him by a superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience or injury to the City or to the public.

13.04.05 That the employee has solicited or taken for personal use, a fee, gift or other valuable thing in the course of his/her work or in connection with it when such fee, gift or other valuable thing so solicited or given him/her might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or a future basis.

13.04.06 That the employee has failed to pay or make reasonable provisions

for the future payment or just debts when annoyance is caused his superior officer or other City officer or scandal is caused the Service because of such failure.

13.04.07 That the employee has been convicted of a criminal offense involving moral turpitude.

13.04.08 That the employee through negligence or wilful misconduct has caused damage to public property or waste of public supplies.

13.04.09 That the employees has been guilty of any conduct unbecoming an officer or employee of the City, whether on or off duty.

13.04.10 That the employee has been absent without leave, contrary to these rules, or has failed to report after leave of absence has been disapproved revoked or canceled by the department head or Board; provided, however, that if such absence or failure to report is excusable, the Board may dismiss the charges.

13.04.11 That the employee has hindered the regular and efficient operation of the department or division because of excessive absenteeism.

13.04.12 That the employee has violated the provisions of departmental rules approved by the Council and the Board.

13.04.13 That the employee has been guilty of attempting to use political influence in securing or retaining a position or in securing promotion positions or individual salary increases. Soliciting elected official to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of these Rules.

13.04.14 That the employee has been guilty of political activity in violation of Section 2.05 of these rules.

13.04.15 That the employee has violated the provisions of these rules, the City Charter or City ordinances.

Section 13.05 Suspensions:

Any employee in the Classified Service of the City may be suspended one or more periods aggregating not more than ninety (90) days in a calendar year for any cause stated in Section 13.04 above, or for other reasons which will promote the efficiency of the Service. The procedure for, and the rights of regular status employees in, suspension actions shall be the same as prescribed for removals in Section 13.07 below. All suspensions shall be recorded in the employee's service record.

Section 13.06 Removal:

Any employee of the City in the Classified Service who has completed the probationary period prescribed in accordance with these rules may be removed from office or employment for any cause stated in Section 13.04 above, or for other reasons which will promote the efficiency of the Service. The procedure for, and the rights of regular status employees in, removal actions shall be as prescribed in Section 13.07 below.

Section 13.07 Procedure for Removals, Suspensions, Demotions and Dismissals:

Section 7 of Chapter XIII of the Charter shall be followed in every instance.

Section 13.08 Order of Proof:

The order of Proof in any hearing of complaints shall be as follows:

13.08.01 The official or body making the removal shall present his/her evidence in support of the charges.

13.08.02 The employee removed shall the produce such evidence as he/she may wish to offer in his/her own behalf.

13.08.03 The official or body making the removal and the employee removed, in the same order, may offer evidence in rebuttal.

13.08.03.01 The official or body making the removal and the employee removed (in that order) may make a statement to the Board.

13.08.04 Report of Findings:

The Board shall report its findings and shall make such final disposition of the case as it may determine. The Board at its discretion may:

13.08.04.01 Order restoration of the employee to his/her position and may also order that pay be restored retroactive to the date of removal, or that all or part of such pay be forfeited for that period.

13.08.04.02 Order that the removal be commuted to a suspension, if such action is found to be for the good of the Service.

13.08.04.03 Order the demotion of the employee to a class for which a lower maximum rate of compensation is prescribed, or reduce the employee to a lower rate of pay within an established pay grade.

13.08.04.04 Order the removal of the employee from the position; provided, however, that in case of such removal the Board may, at its discretion, place the name of the employee on the eligible list for the class for certification when a vacancy occurs in some other department. The decision of the Board in any such case shall be final.

13.08.04.05 Confirm, increase or decrease the suspension period imposed by the official or body making the suspension.

13.08.05 Records of Findings: A copy of the reasons given for any suspension, removal, or other action appealed to and heard by the Board, a copy of any written reply thereto by the official or employee involved, and a transcript of the testimony taken at the hearing, together with a copy of the decision of the Board, shall be filed as a public record in the office of the Board.

Section 13.09 Dismissal:

Any employee, other than a regular status employee, shall be dismissed from the Classified Service for cause, as provided for in Section 13.04 above, without hearing.

Section 13.10 Automatic Rejection:

Any probationary employee in the Classified Service:

13.10.01 Who fails to be recommended for regular status by his/her department head and the appointing authority at the end of his/her probationary period, shall be automatically rejected and separated from the Service, and said employee shall be advised by personal communication from the appointing authority as to the cause for his/her separation.

13.10.01.01 Any employee separated in accordance with Section 13.10.01 shall not have recourse to the Civil Service Board for appeal of said separation.

13.10.02 Who is under an original appointment and fails to qualify on the mental or physical examination, who has an unsatisfactory police record, or who is discovered to have deliberately falsified his application shall be automatically rejected and separated as an unsatisfactory employee.

13.10.03 SECTION DELETED

Section 13.11 Termination:

An employee who satisfactorily completes either a provisional, a temporary, or substitute appointment shall, at the end of such appointment, be separated without prejudice and be considered for future employment in accordance with the provisions of these rules.

Section 13.12 Lay-off:

The appointing authority shall have the power to lay-off any employee because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office, department, division or bureau. Whenever it becomes necessary to reduce the number of employees in a given class, because of lack of funds, lack of work or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, the appointing authority shall, prior to such impending reduction, notify the Board of the number of positions in the class to be vacated, and the reasons therefore. The Board shall thereupon furnish to the appointing authority the names of the employees in the order in which such lay-off shall be effected. An order of the appointing authority laying off an employee or employees in accordance with the provisions of this section, for any of the reasons enumerated herein, shall be final and not subject to appeal. When it is found necessary to reduce the number of probationary employees in one class in several departments, such reduction may be made of employees occupying positions in each of the respective departments without considering employees in the other departments.

13.12.01 **Order of Lay-off:** A reduction in the number of employees in a class shall be made in the following order: Temporary, Provisional, Substitute, Probationary, Regular.

13.12.02 **Lay-off in Accordance with Efficiency and Seniority:**

The order of lay-off within the aforementioned status groups shall be made by efficiency and seniority ratings, weighted as the Board may determine. Efficiency shall be computed by averaging the numerical scores of the last five (5) regular service ratings, or, where service has been less than two (2) years, the average of the ratings received during such period of service; seniority shall be computed according to the length of service in the class as provided in Section 10.03 above.

13.12.03 Notice of Lay-off: The appointing authority shall give written notice to employees being separated at least two (2) weeks prior to the effective date of such separation.

Section 13.13 Resignation:

An employee in the Classified Service who desires to resign in good standing, shall submit his/her written resignation to his/her department head, and must give at least two (2) weeks notice of his/her intention to leave the Service, unless his/her department head consents to his/her leaving sooner. The Appointing Authority shall notify the Board of resignations from the Classified Service at the next regular meeting of the Board.

Section 13.14 Retirement:

The Board shall be notified of all retirements at the next regular meeting of the Board after the retirement has become effective. Retirement approval and

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computation shall be performed by the Secretary to the Pension Boards at the discretion of the Pension Boards.

CHAPTER 14

EMPLOYEE EFFICIENCY

Section 14.01 Standards of Efficiency:

As provided in Section 5, Chapter XIII of the City Charter, the Board shall provide for merit ratings of employees and may establish a minimum of conduct and efficiency for employees in the Classified Service. The Board shall provide a merit rating or such other device as it may approve for the purpose of measuring the conduct and efficiency of employees. Such service rating plan shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered, and the observance of regulations and procedures properly governing the performance of the duties of a position.

Section 14.02 Service Ratings:

The Board shall require department heads to submit ratings of individual employees periodically, and upon forms prescribed. Efficiency ratings shall, whenever possible, be based upon forms prescribed. Efficiency ratings shall, whenever possible, be based upon the independent judgements of two (2) or more supervisory officers, at least one (1) of who shall be the immediate superior of the employee whose services are rated. The factors and the methods of scoring shall be the same for all employees in the same class and shall bear fair relationship to the duties and the

responsibilities of the employees to be rated. After the progress report has been marked in ink, it shall be presented to the employee for review and signature.

14.02.01 SECTION DELETED

14.02.02 Numerical Grades and Their Use: Specific percentage grades will be computed for use in promotional examinations or lay-offs only, and shall be published on reports to employees or other officials.

14.02.03 Appeal Procedure: Upon presenting supporting facts and evidence that his service ratings were not determined in the manner prescribed, an employee may request a review by the Chief Examiner and the department head. If the results are not satisfactory to the employee, he/she may within (5) days, appeal in writing to the Board which shall, after a hearing, have the power to change a service rating when it appears that the rating was not determined in conformity with the provisions of these rules.

Section 14.03 Separation for Inefficiency:

Whenever the service rating of any employee is reported "Unsatisfactory" for two consecutive rating periods, the employee shall be called before the Board to show cause why he/she should not be separated. If, after such hearing, no reason is shown satisfactory to the Board, the employee shall be separated, suspended or reduced in pay grade as the Board shall determine. The decision of the Board in such cases shall be final.

CHAPTER 15

COMPLAINTS AND GRIEVANCES

Section 79, Article XIII, of the Charter establishes the authority for an employee who feels aggrieved concerning any matter, to request a hearing before the Civil Service Board. In order to implement this authority, this Chapter is adopted to set forth methods and procedures for an aggrieved employee to follow. This Chapter of the Rules is not intended to replace or circumvent personal contact between employees and supervisors when an employee feels aggrieved about a matter. It is accepted procedure in any personnel system for an employee to request a personal conference with officials of the department to air any complaint(s) he/she may have. In nearly all cases of a complaint, the complaint should be settled to the satisfaction of all parties on this personal conference level. There are times, however, when satisfaction cannot be obtained, and at this point, the provisions of this Chapter of the rules should be followed.

An employee, his/her representative and other persons involved in grievance matters, shall be free of restraint, interference, discrimination, coercion or reprisal in connection with or because of presentation of a complaint or grievance.

Section 15.01 Definition of a Grievance:

Any complaint that has not been settled to the satisfaction of the parties concerned by the officials and officers of the City who have jurisdiction shall be

considered a grievance. A complaint becomes a grievance only when it has not been settled to the satisfaction of the parties concerned and is presented to the Civil Service Board for a hearing.

Section 15.02

Procedures for Employees to Follow in Filing a Formal Complaint:

1. The aggrieved employee shall obtain the approved "FILING OF COMPLAINT" Form in the office of the Civil Service Board.
2. The employee shall complete his/her portion of the form. The original shall be submitted to his/her Department Head. The duplicate shall immediately be presented, by the employee, to the Secretary of the Civil Service Board who in turn will formally notify the Board of the filing of said complaint.

Section 15.03

Procedures for Department Heads to Follow in Handling a Formal Complaint:

1. The Department Head shall investigate the state complaint.
2. Based upon information obtained through his investigation, the Department Head shall discuss his/her conclusions with the aggrieved employee and where possible, alleviate the situation which was cause for the complaint.
3. If the Department Head and aggrieved employee reach a satisfactory solution to the problem, the employee shall indicate his/her agreement to the solution by signing under the Department Head's comments and the form shall be forwarded immediately to the Secretary of the

- Board, who will formally notify the Board of the action.
4. If the Department Head and the employee are unable to reach an agreement regarding the complaint, the Department Head shall forward the form with his conclusions noted, to the City Manager within ten (10) working days of the filing of complaint by employee.

Section 15.04

Procedures for City Manager to Follow in Handling a Formal Complaint:

1. The City Manager shall investigate or cause to be investigated the stated complaint.
2. Based on the information obtained through this investigation, a conference shall be afforded the aggrieved employee and where possible, the situation which was cause for the complaint shall be alleviated.
3. If the City Manager and the aggrieved employee reach a satisfactory solution to the problem the employee shall indicate agreement to the solution by signing under the City Manager's comments and the form shall be forwarded immediately to the Secretary of the Board who will formally notify the Board of the action.
4. If the City Manager and aggrieved employee are unable to reach a satisfactory agreement regarding the complaint, the City Manager shall forward the form with his/her conclusions noted, to the Civil Service Board within ten (10) working days of submission of the complaint to him/her by the Department Head, and said grievance shall be placed on the Agenda for the next regular meeting of the Civil Service Board.
5. The Board shall make such inquiry as it may decide, including, but not limited to, the interrogation of witnesses under oath, for the purpose of determining whether the grievance is within the jurisdiction of the Board. Should the board determine that such

grievance is not within their jurisdiction, or elect, for any reason, not to hear the grievance, then the file thereof shall be closed and no further consideration shall be given to such grievance.

Should the Board determine to hear the grievance then the testimony and other matters obtained in the course of such inquiry shall be part of the record for use at subsequent hearings upon said grievance.

6. When it is determined by the Board that a grievance does exist a hearing date will be established within thirty (30) days.
7. Request for Subpoenas by an aggrieved employee will be made to the Board in writing not less than ten (10) working days prior to the Grievance Hearing.

Section 15.05 Procedures for a Grievance Hearing: Once the Appointing Authority has presented the case the following steps shall be followed:

1. The employee feeling aggrieved shall have a right to present witnesses, documents, records, correspondence, transcripts, memos, etc. substantiating his/her grievance. The employee is entitled to be represented by Counsel or other representatives and may request either an open or closed hearing. The Board shall subpoena those persons, records, documents, correspondence, transcripts, memos, etc. requested to be presented at the hearing by the employee.
2. Those persons formally notified of the complaint who had authority to correct the situation and failed to do so shall have the right to present witnesses, documents, records, correspondence, transcripts, memos, etc. substantiating their position. The Board shall subpoena those persons, records, documents, correspondence, transcripts, memos, etc. requested to be presented at the hearing.

3. The aggrieved employee or his/her representative or Counsel shall be afforded time for summation of his/her position.
4. The authorities concerned or their Counsel shall be afforded time for summation of their position.

The testimony taken at the hearing shall be under oath and be transcribed. All witnesses called or parties testifying by and for either party are subject to cross examination.

5. The Board shall report its finding and make such disposition of the grievance as it may determine.

Section 15.06

Findings of the Board in a Grievance Hearing:

1. The Board will determine if there is a violation of the Civil Service Rules or Departmental Rules and Regulations and will take appropriate action.
2. If it is the finding of the Board that the grievance is due to administrative procedures, the Board will make such recommendations or take such action as it may deem appropriate.
3. All grievance hearings will be transcribed, and the transcript made part of the records of the Civil Service Board - a copy of which will be provided upon request to interested persons upon payment of the cost of copying.

Subpoenas

In any matter in which the Board is requested to issue Subpoenas, the party requesting same shall be held responsible for the cost incurred as required by law.