

CLEARWATER CIVIL SERVICE BOARD

RULES AND REGULATIONS

Originally Approved and Adopted

Clearwater Civil Service Board

May 10, 1965

Originally Approved by City Manager and City Council

May 17, 1965

Effective June 1, 1965

Revised February 14, 1994

Revised June 1, 2001

Revised October 18, 2011

Table of Contents

<u>Chapter No.</u>		<u>Page No.</u>
1	Authority, Application, Amendment, and Validity of These Rules	1
2	Human Resources Department Organization and Civil Service Board	2
	Human Resources Department	2
	Civil Service Board	2
	Hearing Officer Appeals	4
3	Defining the Classified and Unclassified Service	5
4	Definitions	6
5	Position Classification Plan	9
	Preparation	9
	Interpretation of Class Specifications	10
	Allocation of New Positions	10
	Classification Assignment Review	10
	Status of Employees	11
	Department Reorganization	12
6	The Pay Plan	13
	Rate of Pay upon Change in Status	13
	Certification of Payrolls	14
7	Applications and Eligibility Determination Process	15
	Scheduling and Announcements	15
	Application Forms	15
	Entrance Requirements	16
	Disqualification of Applicants	16
	Scope of Processes	17
	Preparation and Conduct, of Processes	17
	Rating of Processes	18
	Veteran's Preference	18
	Appeals from Ratings	18
8	Eligible Lists	19
	Establishment and Duration	19
	Removal of Names	20
9	Certification and Appointments	21
	Types and Method of Appointment	21
	Temporary and Emergency Appointments	22
	Transfers	22
	Demotions	23
10	The Probationary Period	24
	Purpose and Duration	24
	Reports	25
	Termination	25

<u>Chapter No.</u>		<u>Page No.</u>
11	General Terms and Conditions of Employment	26
	Residence Requirement	26
	Pre-Employment Screening and Fitness Evaluation	26
12	Hours of Service	27
	Normal Work Hours	27
	Overtime Work Hours	27
	Outside Employment	27
13	Suspensions, Demotions, and Dismissals	29
	Performance Management and Review	29
	Reasons for Suspension, Demotion, and Dismissal	29
	Notice to Employee	32
	Employee Appeals	32
	Hearing Officer and Civil Service Board Review	32
14	Grievances	34
	Definition and Procedures	34
15	Resignations and Retirements	36
16	Seniority	37
	Definition of Seniority and Continuous Service	37
17	Layoffs	39
	Reasons for Layoff and Method	39
18	Political Activities	40
	Prohibited Activities	40
19	Leaves	41
	Annual Leave	41
	Sick Leave	43
	Holidays	43
	Administrative Leave	44
	Military Leave	44
	Leave Without Pay and Absence Without Leave	46
	Time Off	47
	Medical Leave	48
20	Employee Training, Safety, and Wellness Activities	49
21	Reports and Records	50
22	Police and Fire Departments	51

CHAPTER 1
Authority, Application, Amendment, and
Validity of These Rules

Sec. 1. Authority and Application--The following are the Civil Service Rules and Regulations and human resources policies authorized by the City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, and shall apply to all positions in the civil service in regard to recruitment, examination, certification, and appointments; to promotions, transfers, and other changes in status; to training and career development; to job classification and salary administration; to suspensions, demotions, and dismissals and other forms of discipline; to hours and conditions of service; to vacancies and other types of leaves; and includes all other human resource issues as provided by ordinance.

Sec. 2. Amendment--The Human Resources Director may at any time, on recommendation of the City Manager, abolish, alter, change, make additions to, or otherwise amend these Rules and Regulations and human resources policies as provided by the City Code of Ordinances, Chapter 2, Article IV, Division 2, as amended. Written notice of proposed changes or additions shall be given prior to enactment. Public notice of proposed changes or additions will be given by the Human Resources Director. A public hearing before the civil service board shall be scheduled if requested by any affected party.

Sec. 3. Validity--If any provision of these Rules and Regulations and human resources policies is held invalid, the remaining provisions shall remain in full force and effect.

CHAPTER 2
Human Resources Department Organization and Civil Service Board

Sec. 1. Organization--Human Resources Department

- (a) There shall be in the City of Clearwater a Human Resources Department, the executive head of which shall be the Human Resources Director. The Human Resources Director shall be experienced in the management and administration of human resources and is appointed by and serves at the pleasure of the City Manager.
- (b) The Human Resources Director shall direct all of the activities of the Human Resources Department and appoint its employees. It shall be the duty of the Human Resources Director to:
 - (1) Encourage and exercise leadership in the development of effective human resources administration within the City of Clearwater and ensure effective and efficient utilization of all available Human Resources Department facilities.
 - (2) Advise the City Manager of staff utilization.
 - (3) Foster, develop, and implement programs to improve employee effectiveness, including training, safety, health, counseling, wellness and career development.
 - (4) Uphold and monitor the operation and effects of City Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, Civil Service Rules and Regulations, and Human Resources policies. The Director will report all applicable findings and present recommendations to the City Manager and Civil Service Board.
 - (5) Establish and maintain records for all City of Clearwater employees in the areas of classification, title, pay, or status and other relevant data.
 - (6) Prepare and present an Annual Report to the City Manager and the Civil Service Board regarding the performance of the department.

Sec. 2. Organization--Civil Service Board

- (a) There shall be a five-member Civil Service Board. The members of the Board shall be citizens of Clearwater, shall not be employed by the City of Clearwater or in any way connected with the City administration, and shall serve overlapping three-year terms, except as otherwise provided by Ordinance. Two members shall be appointed by the City Manager, two shall be elected by the municipal employees, and the fifth member shall be selected by the other four members. The fifth member shall be an individual who does not presently hold any office in or affiliation with any type of labor union or organization commonly associated with municipal employees, management, or administration.

- (b) The Board shall meet when required to conduct public hearings or act on facts and conclusions of the Hearing Officer as provided in the City Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, and Sections (c) and (d) below. Notice of any such meeting shall be given in writing to each member of the Board by the Human Resources Director at least three (3) calendar days in advance of the meeting. Three (3) members of the Board shall constitute a quorum. Each year the Board shall select one of its members to serve as Chair.

The Human Resources Director, or designated appointee, shall attend all meetings of the Board, shall present matters that require action by the Board, and shall coordinate the preparation of the meeting minutes. The Human Resources Director shall have the right to participate in discussions but shall have no vote.

- (c) The Civil Service Board, by request of the Human Resources Director, the City Manager, or on its own initiative, shall have the responsibility of conducting public hearings on proposed deletions, modifications, or additions to human resources policies and providing advice and counsel on all aspects of human resources administration.
- (d) In accordance with City of Clearwater Code of Ordinances, the Board shall receive proposed orders of the Hearing Officer relative to employee appeals as provided in Section 2.285 of Chapter 2, Article IV, Division 2, as amended, resulting from alleged adverse employer action, including but not limited to violations of the ordinance or human resource policies, rules and regulations currently in effect, or unwarranted demotion, dismissal, or suspension, and shall take action as provided by the ordinance.
- (e) For employee appeals, the Board shall appoint a Hearing Officer from a list of not less than five (5) names established by the City Council, unless the City Council contracts with the State of Florida Division of Administrative Hearings to provide a Hearing Officer as provided by the City Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, and other applicable law.
- (f) A member of the Board shall resign immediately once declaring candidacy for any political office. A member of the Board may be removed by the City Council for cause as defined in the City Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, and prior to removal, shall receive a written statement for removal and a hearing before the City Council.

Sec. 3. Hearing Officer--

- (a) There shall be a Hearing Officer as provided by Section 2.285 of City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended. It shall be the duty of the Hearing Officer to represent the public interest by reviewing employee appeals resulting from alleged adverse employer action, including but not limited to violations of Chapter 2, Article IV, Division 2, as amended, of the City Code of Ordinances, Civil Service Rules and Regulations and human resources policies currently in effect, or unwarranted demotion, dismissal, or suspension. During review, both the appellant employee and the City Manager or his/her designee or other persons whose action is being reviewed shall have the right to be heard, be represented by a person of his or her choice, and present evidentiary facts. At the hearing of such appeals, technical rules of evidence shall not apply.
- (b) In conducting administrative hearings, the Hearing Officer shall have the power to administer oaths, issue subpoenas, compel the production of books, papers, and other documents, and receive evidence. The Hearing Officer, in the conduct of such hearings, shall utilize a procedure as outlined in Section 120.57(1), Florida Statutes.
- (c) All orders prepared by the Hearing Officer as a result of any hearing conducted shall conform with the requirements as specified in Section 120.57(1), Florida Statutes. The Hearing Officer shall present the Proposed Order of Findings of Fact and Conclusions to the Civil Service Board, the City Manager or designee, and the employee.

Sec. 4. Official Posting--The Human Resources Director shall ensure an official bulletin board is maintained and accessible to the public during regular business hours. On it shall be posted notices the Board or the Human Resources Director may deem to be of interest to others. Except as required by law, the posting of any required notice upon the official bulletin board is deemed requisite public notice.

CHAPTER 3

Defining the Classified and Unclassified Service

Sec. 1. Civil (Classified) Service--The civil service shall comprise all classified positions in the public service of the City of Clearwater, now existing or later created. All unclassified, or contractual employees are not considered classified service employees and are not covered by these rules.

Sec. 2. Exempt (Unclassified) Service--In accordance with the provisions of City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, the unclassified service shall be comprised of:

- (a) The members of the City Council, the City Attorney, and Assistant City Attorneys.
- (b) Members of Boards and Commissions and heads of Departments appointed by the City Manager.
- (c) Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the City Council, a committee thereof, or the City Manager.
- (d) The City Manager, Assistant/Deputy City Managers, Administrators, and other Assistants to the City Manager.
- (e) Department Heads, Assistant Department Heads, Divisions Heads, Agency Heads or equivalents as determined by the Human Resources Director.
- (f) The Human Resources Director.
- (g) Employees of temporary help/employment agencies utilized by the City under contractual arrangement.
- (h) Independent contractors or consultants.
- (i) Referees, umpires, and officials compensated on a per-game or event basis.
- (j) Temporary, emergency, or other employees in current or future classifications or employment status not specifically listed above, not covered by any collective bargaining agreement, and not included as an appropriately placed classified position.

CHAPTER 4

Definitions

In these Rules and Regulations, the terms listed below shall be defined as follows unless the context requires another definition.

"Administrative Hearing" is a hearing conducted by a Hearing Officer when an employee has appealed an alleged adverse employer action as provided in City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended.

"Administrative Leave" is leave granted with or without pay at the discretion of the City Manager or his/her designee when circumstances dictate that an employee be relieved from duty in conjunction with a disciplinary action, during or following an investigation, pending decision making leave or termination, because the employee's services are determined to be non-essential, or as otherwise deemed necessary by City administration with the approval of the City Manager or designee.

"Allocation" is either (1) the act of determining to which class or pay grade a position belongs, or (2) the class to which a position has been determined to belong, depending on the context.

"Appointment" is the act by the City Manager or designee of selecting a person to fill a vacant position through methods specified in City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended, these Rules, and/or applicable human resources policies.

"Board" is the Civil Service Board of the City of Clearwater, State of Florida.

"City" is the City of Clearwater, State of Florida.

"City Council" is the City Council of the City of Clearwater, State of Florida.

"Civil Service" is the classified positions in the employ of the City of Clearwater not specifically exempt from the provisions of Chapter 2, Article IV, Division 2, as amended, of the Code of Ordinances of the City of Clearwater.

"Class," "Classification," or "Class of Positions" refers to positions in the employ of the City that are alike in the following characteristics:

- (a) Requiring incumbents to perform similar job-related duties and responsibilities to include qualifications, training, experience, capacity, knowledge, proficiency, and any other qualifications necessary in the performance of job-related functions;
- (b) Having candidates appointed to the classification using objective selection criteria;
- (c) Compensating incumbents by the same rate or rates within a schedule of compensation; and
- (d) Having the same provisions for specialized in-service training.

“Classified” is the status which pertains to employees who are in full-time or part-time positions of indefinite term that fall under the purview of the Civil Service Rules where the employee has satisfactorily fulfilled the obligations of the initial probationary period.

"Department Head," "Department Director," "Administrator," or equivalent is the head of a recognized organizational subdivision of the City who reports directly to the City Manager or his/her designee.

"Division Head" or equivalent is the head of a recognized organizational subdivision of a department of the City who reports directly to a Department Head.

"Eligible" is any person whose name is on an Eligible List.

"Eligible List" is either an appointment list, reemployment list, or a re-assignment list as described in Chapter 8.

"Emergency Appointment" is an appointment required by a state of emergency for not more than ninety (90) calendar days unless extended with the approval of the Human Resources Director for an additional ninety (90) calendar days. Such employees are not considered classified civil service employees and are not covered by these rules and regulations.

"Employee," as referenced in this document, is any person employed by the City on a salaried or hourly basis.

“Examination” is any process for the assessment of knowledge, skills, abilities, and other characteristics that may be either open to all persons or, for the purpose of promotion, open only to employees of the City in a designated organizational unit or units in a designated class or classes. The Human Resources Department will determine which applicants meet the minimum requirements for entrance to an examination process.

"Final Grade" is the final score as concluded by an eligibility determination process. Final grade determines passing and does not include any veteran's preference or seniority points.

“Flex Time” is the process whereby an employee’s regularly scheduled hours of work within a specific workweek are adjusted with proper notification and at the mutual convenience of the employee and the respective department. Such flexing of work hours must be approved in advance by the respective department and may not be subject to a quid pro quo arrangement or otherwise required by the department in order to avoid the payment of overtime.

"Human Resources Director," "Director of Human Resources," or "Director" is the head of the Human Resources Department appointed by the City Manager in accordance with the provisions of the City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended.

"Position" is a station of employment with the City comprised of a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time or part-time employment of one person. A position may be either occupied or vacant.

"Promotional Appointment" is an appointment from a position of a particular level in the classified service into a classification of a higher level pursuant to the specific provisions of these rules, a collective bargaining agreement, or memo of understanding.

"Reallocation" or "Reclassification" is a change in allocation of a position by assigning it to another class and/or to a higher, lower, or similar level of compensation on the basis of significant changes in the type, difficulty, or responsibility of the work performed in the position. It may involve the transfer of an employee from one position to another.

"Reemployment List" is the eligibility register containing the names of former employees who, while in good standing, have been involuntarily separated from City employment due to circumstances beyond their control. The length of eligibility on a reemployment list is one year from the date of separation.

"Regular Employee" is an employee who has been appointed to a position in the civil service, has satisfactorily completed the initial probationary period, and has been certified to or has acquired classified status as specified by ordinance and/or these Rules.

"Temporary Appointment" is an appointment to a position for a period up to one year. Such appointment is made from an Eligible List in the same manner as a probationary appointment. Temporary employees are not considered classified civil service employees and are not covered by these rules and regulations.

"Training and Experience" or "T&E" process is an evaluation used to determine an applicant's previous education, training and work experience through the use of, but not limited to, resumes, job applications or questionnaires.

CHAPTER 5

Position Classification Process

Sec. 1. Purpose--The purpose and objective of the Position Classification Process is to arrange, describe, and inventory all positions within the civil service and to allow human resources processes to be systematically and logically administered. The process groups the various positions into appropriate classes indicative of the range of duties, responsibilities, and level of work performed. The classification titles standardize the meaning, allocation, and intended usage of the positions and ensure compensation at a level consistent with the current labor market and applicable collective bargaining agreements.

Sec. 2. Preparation and Administration of the Position Classification Process--

- (a) The Position Classification Process shall be administered by the Human Resources Director and approved by the City Manager. The addition of new classifications and deletion and/or modification of existing classifications shall be accomplished as specified in the plan.
- (b) The Human Resources Director shall allocate or reallocate the position of every employee in the classified service to one of the classes in the plan. The Human Resources Director is responsible for providing the continued proper allocation of employees in the classified service. Also, the Human Resources Director shall:
 - (1) On the basis of studies and/or review made by the Human Resources Department of new or proposed positions, allocate as necessary affected positions to appropriate classes to reflect the duties and responsibilities of the work.
 - (2) On the basis of studies and/or review made by the Human Resources Department of permanent changes in the duties and responsibilities of incumbent employees, reclassify those positions and incumbents to an appropriate classification, in accordance with collective bargaining requirements when applicable.
- (c) The Position Classification Process shall be kept current by continued analysis and review, ensuring the equity of positions. The Human Resources Department will utilize an internal position analysis process in addition to external surveys of single class positions in order to facilitate the integration of the Position Classification structure and Pay Plan. The Department Directors assume a joint responsibility in the attainment of these objectives and shall make available to the Human Resources Director, or any authorized representatives of the Director, all information necessary in determining classifications.

Sec. 3. Interpretation of Class Specifications--In determining the class to which any position shall be allocated, the specification of each class shall be considered in its entirety and include the duties, responsibilities and other pertinent characteristics of positions allocated to the class specification.

- (a) Class Title--The term "Class Title" or "Title" shall refer to the official title of the position as specified in the City of Clearwater Pay Plan.

Written job descriptions for each classification contain the nature of work and related responsibilities of the class, typical illustrative tasks found in the class, requirements of the class setting forth the necessary knowledge, skills, and abilities required for adequate performance of the work, and the desirable experience and training needed for recruiting to the class.

- (b) Relationship of Classes--Each classification is to be considered in relation to other classes in the civil service in determining its grade, its proper grouping within the Position Classification System and its compensation. The specifications of the classes are to be read and interpreted with this relationship in mind.

- (c) Intent of Classification--The class specifications are a generalization and are not designed to limit an employee from performing duties not listed. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of similar or lower level type and quality.

Sec. 4. Allocation of Proposed New Positions--The City Manager or designee shall promptly report to the Human Resources Director the need for any proposed new position and include the duties and responsibilities of this position. The Human Resources Director shall then verify specific duties and responsibilities, and as appropriate, either assign the proposed position to an existing classification or establish a new classification. The right to determine the need for additional positions and for effecting appropriate budgetary provisions is exclusively that of the City Manager or designee.

Sec. 5. Classification Assignment Review--

- (a) Any employee affected by the initial allocation or reallocation of a position to a class shall, after filing with the Human Resources Director a written request for consideration, be given a reasonable opportunity to be heard at a time and place specified by the Human Resources Director or designated representative.

- (b) In recognition of the fact that duties and responsibilities of positions may change over an extended period of time during the incumbency of employees, any employee at a date subsequent to initial allocation and for warranted reasons may request a review of classification. Such request shall first be submitted in writing to the employee's Division Head or, if there is no Division Head, to the employee's Department Director, who shall transmit it within thirty (30) calendar days with a written recommendation to the Human Resources Director.

In the event the employee's Division Head or Department Director requires additional time in order to conduct a review, study, or comparison before submitting a recommendation, a request for an extension of up to thirty (30) calendar days may be granted. A Department Director may also initiate a request for a job audit. The Human Resources Director, upon receipt of the request and the divisional/departmental recommendation, may or may not require a job audit as deemed necessary to determine the merit of the request.

If the Human Resources Director finds merit in the request, a recommendation is sent to the Resource Management Committee requesting a change in the allocation of the position. If the Human Resources Director does not find merit in the request, the employee will be notified. An employee who has been advised the request is without merit shall have the right to be heard by the Director. In such instances, the employee shall submit his/her position in writing and in sufficient detail to provide the basis for equitable review. If the Human Resources Director finds merit in the request, a recommendation is sent to the City Manager or designee requesting an appropriate change in the allocation of the position. The decision of the City Manager or designee shall be final in all cases.

Sec. 6. Status of Employee Upon the Reclassification or Elimination of Positions--

- (a) Upon the reclassification or reallocation of a position from one class to another class of the same level, lower level, or higher level, the method of filling the position shall be determined in accordance with the rules regarding transfers, demotions, or promotions, as may be appropriate, except as provided in subsection (b), subsection (c), and Section 7 below.
- (b) In the event of the reclassification or reallocation of a position to a higher level class, the incumbent may be placed in the new class without competitive examination, if the Human Resources Director finds that all of the following conditions have been met:
 - (1) That the reason for the reclassification or reallocation is the gradual addition of new and significantly higher level duties and responsibilities over a period of one year or more immediately preceding the effective date of reclassification, and
 - (2) That the addition of these duties has taken place within the incumbent's current position, and
 - (3) That the added duties and responsibilities upon which the reclassification is based could not reasonably have been assigned to any other position, and
 - (4) That the added duties and responsibilities upon which the reclassification is based have not been previously assigned to another position of the same or lower level.

The Human Resources Director may, before approving appointment to the higher level class, require evidence proving that all of the foregoing conditions have been met and must certify that the individual has met the minimum qualifications for the position.

- (c) In the event of the reclassification or reallocation of a position to a classification of the same or lower level class than that of the original class, the position, if vacant, shall be filled in the appropriate manner. If the position is encumbered, the incumbent shall be transferred to a vacant position in the same class prior to reclassification or reallocation, if one exists, in the same or another department. In the absence of such vacancy, the incumbent shall be offered the opportunity to be assigned the reclassified position if deemed qualified, or to a vacancy in another job classification at the same or lower pay grade for which he/she is deemed qualified, and his/her pay shall be reduced by 5%. If the employee's pay after the 5% reduction exceeds the pay range maximum for the lower level classification, the employee shall receive a "Red Circle" pay adjustment and his/her pay shall be fixed at such rate until the pay range maximum of the lower level classification exceeds his/her adjusted rate of pay. If the incumbent refuses or is not qualified for such reclassification, the incumbent shall be subject to layoff procedures consistent with these rules and any applicable collective bargaining agreement.
- (d) Effect of Reclassification on Performance Evaluation Date--Reclassification to a higher or lower level class shall establish a new performance review date, and the incumbent shall be eligible for consideration for a merit pay increase a year after the effective date of such reclassification.
- (e) Effective Date of Reclassification--Appointment to a reclassified position not requiring an examination shall be made at the beginning of the first pay period following the approval of the reclassification. Appointment to a reclassified position requiring an examination shall be made in accordance with established Human Resources policies and procedures.

Sec. 7. Classification Changes as a Result of Department Reorganization or Reallocation of Resources--

- (a) In the event a department reorganization necessitates the reclassification of a position or it is necessary to reallocate resources to meet specific initiatives or needs, the Human Resources Department reserves the right, after a classification review, to assign the affected employees to a new position classification without competitive examination. The establishment of a new classification will be made on a case by case basis and may place individuals in a higher, equivalent, or lower position classification.
- (b) Individuals reclassified into a higher, equivalent, or lower position classification must meet, to the satisfaction of the Human Resources Director, the minimum position qualifications. For the purposes of this subsection, an individual is considered to have met the position minimum qualifications based on the results obtained by examination, training, and evaluation assessments, or any other available methods of validating the knowledge, skills, and abilities of the incumbent.

CHAPTER 6 The Pay Plan

Sec. 1. Purpose--The purpose and objective of the Pay Plan shall be directly related to the Classification Process, and shall provide the basis of compensation for positions. The Pay Plan shall be constructed with regards to the relative difficulty and responsibility existing between the various classes of work, and prevailing rates of pay for similar types of work.

Sec. 2. Application--The Pay Plan shall consist of the rates and ranges of compensation for employees as provided by the current City of Clearwater Pay Plan and shall include rules for administering the Pay Plan.

Sec. 3. Rate of Pay on Changes in Status--Each person who is appointed to a civil service position shall receive compensation at the minimum rate specified for that class position, except as provided in the Rules for Administering the Pay Plan of the City of Clearwater and except as follows:

- (a) When a position is filled by promotion or demotion, compensation shall be consistent with provisions of the City's Pay Plan or the appropriate collective bargaining agreement. Any change of an employee from a position in one class to a position in a class of a higher level shall be deemed a promotion. A class of a higher level shall be deemed to be one having a higher maximum pay rate. Any change of an employee from a position in one class to a position in a class of a lower level shall be deemed a demotion. A class of a lower level shall be deemed to be one having a lower maximum pay rate.

Involuntary demotion: The Human Resources Director reserves the right, with the approval of the City Manager or designee, to fix compensation for any employee demoted for performance or behavior reasons or demoted involuntarily as a result of reorganization or restructuring at a rate which is in his/her judgment consistent with the reason for the demotion. An employee who is demoted involuntarily for reasons beyond his/her control shall be placed on the reemployment list for the classification from which he/she was demoted.

The effective date of any promotion or demotion shall be thereafter utilized for the purpose of determining eligibility for subsequent annual merit reviews.

- (b) An employee who transfers from a position of one class to a position in the same class or to another position in another class of the same pay grade may continue to be paid at the same rate.
- (c) An employee who is appointed from the reemployment list shall be paid at the rate received immediately prior to separation or involuntary demotion.

(d) Upon the recommendation of the Human Resources Director and approval of the City Manager or designee, when the position of an employee is reallocated to a higher class or the employee's classification is assigned to a higher pay range based on an organizational review or salary analysis (as opposed to reclassification based on a change of duties), the employee may be paid at the same rate of pay provided such rate is within the established minimum and maximum for the new classification or may be advanced in compensation as if promoted to the higher-ranked class.

Sec. 4. Certification of Payrolls--All appointments, payment for service, and other actions concerning employees in City positions must be certified by the Human Resources Director through the use of authorized City Personnel Action Forms.

|

CHAPTER 7
Applications and Eligibility Determination Processes

Sec. 1. Scheduling and Announcement of Competitive Eligibility Determination Processes--

- (a) The Human Resources Department may conduct eligibility determination processes in order to meet the needs of the City, whether or not a vacancy exists or is about to exist in any class, and shall maintain eligible lists for all classes.
- (b) Notice of eligibility determination processes that are not continuous will be posted in all City departments and through other media outlets as determined by the Human Resources Director for at least ten (10) workdays prior to the filling of the position.

Notice of eligibility determination processes that are continuous shall be posted on the Official Bulletin Board of the Human Resources Department.

- (c) Each announcement for an eligibility determination process shall state:
 - (1) The title of the class;
 - (2) The pay or targeted hiring range of the class;
 - (3) The nature of the work to be performed;
 - (4) The minimum and/or position specific qualifications which may be required for participation in the process;
 - (5) The time, place, and manner of applying; and
 - (6) The general scope of the process to be used.

Announcements shall not be required in conjunction with established City Internship Programs.

Sec. 2. Form of Applications--

- (a) Applications shall be made on Human Resources Department forms and shall require information relating to education, experience, training, and other pertinent information.
- (b) The application form shall not contain any question or require any information intended to disclose the age, race, or religious or political affiliation of any applicant. However, the application process may include survey questions relating to such and other areas not generally related to employment consideration when such questions are utilized for statistical or reference purposes and are not made available to appointing authorities, and when the soliciting of such information is consistent with state and federal guidelines or approval.

Sec. 3. Entrance Eligibility Requirements--The Human Resources Department shall determine the qualifications for admission to any eligibility determination process.

- (a) For designated positions, the City may establish a residency requirement. A person who does not agree to reside in the designated employment area if appointed will be ineligible for appointment to the position. Under special circumstances, this requirement may be waived by the City Manager.
- (b) Entrance to eligibility determination processes may be restricted to persons employed in designated classes and/or in designated organizational units.
- (c) Persons whose names have been placed on a reemployment list as a result of involuntary separation or for reasons beyond their control shall, for the duration of such list, be eligible to compete in any eligibility determination process for which they would have been eligible had such separation not occurred.

Sec. 4. Disqualification of Applicants--

- (a) The Human Resources Director may reject or disqualify the application of any person for admission to any eligibility determination process, or refuse to examine any applicant or certify the name of an eligible for appointment if it is found:
 - (1) That the applicant fails to meet the established qualification requirements for the position.
 - (2) That the application was not filed on or before the closing date for receipt of applications specified in the public announcement, and a valid reason as determined by the Human Resources Director is not provided.
 - (3) That the applicant has made false statements or has omitted or withheld information concerning his/her application or resume or in securing eligibility or appointment. This provision includes the use of any name other than the applicant's legal name during application.
 - (4) That the applicant has a record of previous unsatisfactory service in City employment or elsewhere that demonstrates unsuitability for employment when applying for a position in a comparable class. This includes former employees who previously resigned their employment with the City while pending formal disciplinary action.
 - (5) That the applicant is otherwise unsuited for employment due to a failed drug screen, a suspended or revoked driver's license or certification when such is a position requirement, or a criminal record when such record may impair the applicant's ability to meet position standards.
- (b) The Human Resources Department reserves the right to prohibit or discontinue any eligibility determination process being administered to a candidate when, in the judgment of the examiner, the administration of the eligibility determination process reflects a risk of damage to equipment or a risk of injury or death to persons.

Sec. 5. Scope and Character of Eligibility Determination Processes--

- (a) All civil service eligibility determination processes, except in cases of transfer or reclassification, shall be competitive.
- (b) All eligibility determination processes will be designed to ensure reliability and validity, and are to evaluate the competency, skills, and abilities of applicants.
- (c) Eligibility determination processes may consist of one or any combination of the following:
 - (1) Written test
 - (2) Oral test or interview
 - (3) Performance test or job simulation
 - (4) Physical or medical test
 - (5) Evaluation of training and experience
 - (6) Any other applicable test as determined by the Human Resources Department to measure the relative competency, skills, and abilities of applicants.
- (d) No eligibility determination process shall be constructed to reveal or attempt to reveal information prohibited under Florida Statutes or any Federal law.
- (e) Promotional eligibility determination processes may include any combination of the factors listed in this section and may include credit for seniority. Seniority points will only be awarded to those candidates receiving a passing score for examinations that utilize a point scoring system. One-half point credit will be added for each full year of service, up to a maximum of five (5) points.

Sec. 6. Preparation of Eligibility Determination Processes--The Human Resources Department may, at the discretion of its Director, consult with the City Manager or other qualified authorities regarding the content of tests or other evaluation methods. All tests and evaluation methods shall be reviewed prior to utilization to make every effort to ensure they are job related and in accordance with Florida Statutes or any Federal law.

Sec. 7. Conduct of Eligibility Determination Processes--

- (a) Eligibility determination processes shall be conducted under the auspices of the Human Resources Department.
- (b) Each applicant will be notified of the date, time, and place of the eligibility determination process. Applicants may be required to produce personal identification before being allowed to participate in any portion of an eligibility determination process.

Sec. 8. Rating of Eligibility Determination Processes--

- (a) Each candidate's final rating is determined by all components of the process as established by the Human Resources Department. The Human Resources Department shall establish a minimum passing grade when applicable for any portion of an eligibility determination process.

Sec. 9. Veteran's Preference--

- (a) Preference as a veteran of the United States Armed Forces shall be granted in accordance with Florida Statutes.
- (b) In order to be granted preference as a veteran, the candidate must earn a passing grade on the examination without the addition of preference consideration and must comply with Human Resources procedures relating to proof of veteran status.

Sec. 10. Notification of Results--Each candidate shall be notified of either attaining or not attaining a place on the Eligible List. The release of eligibility determination process materials will be in accordance with the Florida Public Records Law.

Sec. 11. Appeals from Ratings--

- (a) Any candidate may, within fifteen (15) calendar days following the establishment of the eligibility determination results, notify the Human Resources Director in writing that error, other than error of judgment, exists. When reasonable extenuating circumstances exist, as determined by the Human Resources Director, a candidate may appeal to the Director after the specified time limit. If upon review, error other than error of judgment which affects the candidate's rating is found, such error shall be corrected or the item in question discarded. If the review discloses an error affecting the rating of other candidates, the ratings of the other candidates shall also be corrected.
- (b) No change made in the ratings of any candidates shall invalidate or in any way affect any previously made certification or appointment.

Sec. 12. Postponement of Eligibility Determination Processes--In the event that an insufficient number of candidates have qualified for an eligibility determination process, the Human Resources Director may postpone the last filing date and/or the date of the eligibility determination process and shall give public notice of this action.

Sec. 13. Destruction of Examination and Evaluation Material--Applications, test papers, rating sheets, and other examination or evaluation materials shall be retained or destroyed in accordance with Florida Statutes concerning public records.

Sec. 14. Prohibition of Discrimination--The City will be in compliance with all applicable federal and state law involving employment practices. Any applicant or employee who has reason to believe that he/she has been illegally discriminated against may appeal to the Equity Services officials of the City.

CHAPTER 8

Eligible Lists

Sec. 1. Types--Eligible Lists shall be of two kinds: reemployment and appointment.

Sec. 2. Establishment of Lists--

- (a) Reemployment Lists: The Human Resources Director shall place on the appropriate class reemployment list the names of regular employees who, while in good standing, were laid off, demoted, or otherwise involuntarily separated from positions in a class through no fault of their own. An eligible employee whose name is placed on a reemployment list may, by written request and with the approval of the Human Resources Director, also have his/her name placed on reemployment lists for classes at the same or lower level requiring essentially the same or lesser qualifications within a class series or for other classes in which he/she was previously employed by the City. Except as otherwise provided, names shall be placed on the reemployment list in order of seniority determined by the length of continuous employment with the City in accordance with the provisions of Chapter 16.
- (b) Appointment Lists: The names of all persons who meet the established qualification criteria of any eligibility determination process shall be placed on the appropriate appointment list in alphabetical order, or as otherwise prescribed in a collective bargaining agreement. The Human Resources Director shall also place on the appointment list the names of eligible persons who have withdrawn their resignations under the provisions of Chapter 15, Section 3.

Sec. 3. Duration of Lists--

- (a) All candidates appearing on appointment Eligible Lists, including employees who have withdrawn a voluntary resignation and excepting current employees, shall remain eligible for a period of one (1) year from the date of the establishing of the candidate's name on the list by the Human Resources Department. Any current employees shall remain on the appointment list for a period of five (5) years from the date of the establishing of the candidate's name on the list by the Human Resources Department, unless the applicable job duties and responsibilities or eligibility determination process have changed significantly as determined by Human Resources. Such employees shall be notified by Human Resources of the expiration of their names from the list.
- (b) Each name placed on a reemployment list shall remain eligible for one (1) year from the date of involuntary separation except as provided in Section 4 (e) of this Chapter.

Sec. 4. Removal of Names from Lists--Names of eligibles shall be removed from the appropriate Eligible Lists by any of the following:

- (a) Failure to respond within ten days to a request from the Human Resources Department or hiring Department for availability for appointment to a position or interview.
- (b) Disability as determined in accordance with all applicable provisions of the Americans with Disabilities Act that prevents the eligible from satisfactorily performing the essential functions of the position.
- (c) Residing outside the employment area designated by the City when such residence is required as a condition of appointment or continued employment in a class.
- (d) Determination by the Human Resources Director that the eligible has been found to lack any of the established qualifications for the position or has otherwise been found unacceptable for employment or promotion, including but not limited to such factors as a failed drug screening, falsification of employment or other documents relating to education, experience, background and training, or documented history of unsatisfactory work performance in areas relevant to the position.
- (e) Verification that the eligible has willfully submitted false information, withheld information, or evaded questions during application in an attempt to misrepresent either employment or personal background or character.
- (f) An eligible who is on multiple reemployment lists in accordance with provisions of Section 2(a) of this Chapter shall, when refusing appointment to a position from the lower level reemployment list, be removed from such list. An eligible who is on multiple reemployment lists in accordance with provisions of Section 2(a) of this Chapter shall, when accepting appointment to a position from a lower level reemployment list, retain standing on the reemployment list for the higher level classification(s).

CHAPTER 9

Certification and Appointments

Sec. 1. Types of Appointment--When practical, vacancies in the classified service shall be filled from Eligible Lists. Whenever a position is filled utilizing an Eligible List, appointment shall be made first from the reemployment list in the applicable class, then from the appointment list. When a department desires to fill a position by transfer or demotion, such action shall take precedence over reemployment or initial appointment.

Sec. 2. Method of Appointment--Whenever a vacancy in any position in the classified service is to be filled, the affected department shall submit a written request, approved by the hiring department's Director, to the Human Resources Department in accordance with established policy and procedures.

Sec. 3. Reemployment--The Human Resources Director shall offer appointment to the person with the greatest seniority on the reemployment list for the class in which the vacancy exists. If the person is unable to perform all necessary job responsibilities, the individual may be removed from the position and returned to a more appropriate reemployment list.

Sec. 4. Appointments--

- (a) When a vacancy exists, a certified Eligibility List shall be prepared by the Human Resources Department and forwarded to the hiring department.
- (b) Selection processes may be developed in order to determine the best qualified candidate among the list of eligibles. Such processes will be designed to ensure reliability and validity and will be applied consistently. Selection processes may consist of oral interviews, job performance simulations, evaluations of prior performance, training, and/or experience or other applicable processes as determined to be relevant by the Human Resources Department. Seniority and/or time in class may also be used as a factor in consideration of such appointments and shall be the determining factor when other qualifications are substantially equal.
- (c) In the interest of promoting upward career mobility, the hiring department will interview from the Eligible List a minimum of two regular City employees who possess the necessary qualifications, or shall interview one eligible regular City employee for each eligible non-City employee interviewed, whichever number is greater. In cases where only one regular employee on the Eligible List meets the minimum qualifications, the department shall interview that employee.
- (d) When job specific qualifications are requested by a department and approved by the Human Resources Department, only those eligibles who possess the specified qualification will be considered from the eligibility list for the particular position.
- (e) The rehire of an employee who was previously employed by the City in any employment status must be approved in advance by the Human Resources Director or designee.

Sec. 5. Temporary Appointments--

- (a) When an employee is needed for a period of time not to exceed one year, the Human Resources Director shall certify the names of persons on the appropriate list who will accept a temporary appointment not covered by the classified service. The acceptance or refusal by an eligible of a Temporary appointment shall not affect his/her standing on the Eligible List, nor shall service under a Temporary appointment be counted as a part of a probationary period, except as provided in Section 2 of Chapter 10 and subsection (b) below. An employee may serve consecutive Temporary appointments with no less than a 30 day break in service between appointments. An employee assigned to a Temporary appointment may be scheduled to work up to a maximum of four-fifths of the standard full-time weekly work hours designated for their assigned job classification during any twelve month period.
- (b) When an employee is in a Temporary appointment status and a classified position in the same class and department becomes available, the Temporary employee may, if his/her services have been acceptable to the department, be placed in that classified position without the required certification provided that there is no break in service. Employment during a Temporary appointment immediately preceding classified appointment in the same class shall be credited toward the required probationary period.

Sec. 6. Emergency Appointments--

- (a) When an emergency makes it not practical to fill a position in the classified service under any other provision of these Rules & Regulations, the Human Resources Director may appoint any person to such position. The necessity for Emergency appointments shall be reported to the Human Resources Director and shall not exceed ninety (90) calendar days duration. If in the judgment of the Human Resources Director the emergency continues beyond ninety (90) calendar days, the appointment may be extended for an additional ninety (90) calendar days or until an eligibility list can be established. Each Emergency appointment shall be reported as a separate action not to exceed ninety (90) calendar days and each shall be authorized by the Human Resources Director. An employee may serve consecutive Emergency appointments with no less than a 30 day break in service between appointments. An employee assigned to an Emergency appointment may be scheduled to work up to a maximum of four-fifths of the standard full-time weekly work hours designated for their assigned job classification during any twelve month period.

Sec. 7. Transfers--

- (a) A Department Head or equivalent may at any time assign an employee from one position to another position in the same class under his/her direction with notification to the Human Resources Department. With the prior approval of the Human Resources Director, the employee, and the Department Head, a probationary or regular employee may be transferred within the department from a position in one class to a position in another class at the same pay level and requiring essentially the same qualifications.

With the prior approval of the Human Resources Director and both Department Heads, a probationary or regular employee may be transferred from a position in one department to another position in the same class in another department, provided, however, that at least two weeks prior notice is provided to the employee. With the prior approval of the Human Resources Director, the employee, and both Department Heads, a probationary or regular employee may be transferred from a position in one class in a department to a position in another department in another class at the same pay level and requiring essentially the same qualifications.

- (b) If the employee is transferred or appointed to another position with different scheduled pay period hours, the employee's sick leave and annual leave balances will be adjusted to reflect equivalent days of sick and annual leave, consistent with the new scheduled pay period hours.
- (c) An employee who is to be transferred from a position of one class to a position of another class may, at the discretion of the Human Resources Director, be required to pass the applicable eligibility determination process.
- (d) An individual who was appointed to a position funded by a public or private grant may be appointed to the same or similar non-grant funded position within the classified service if that individual was hired from an eligibility list or is on an existing eligibility list for the appropriate classification. In cases where an eligibility list does not exist or an individual is not on an eligibility list, the Human Resources Director may appoint the individual to a classified position if that individual is able to pass the applicable eligibility determination process.

Sec. 8. Demotions--A Department Head, with the approval of the Human Resources Director, may demote a regular or probationary employee to a vacant position or may demote an employee through the reclassification of the position and incumbent for any of the following reasons:

- (a) Those stated in Chapter 13.
- (b) When the employee would otherwise be laid off because his/her position is being eliminated due to reallocation of the position to a lower class or due to lack of work or funds.
- (c) When the employee would otherwise be laid off because of the return to duty of a classified employee assigned to such position.
- (d) Failure to satisfactorily complete the probationary period during a promotional appointment.
- (e) When the employee voluntarily requests a demotion.

Sec. 9. Temporary Agency Assistance--When in the judgment of the Human Resources Director utilization of temporary help agency employees rather than Emergency or Temporary employees is in the best interest of the City, the Human Resources Director may authorize the use of such employment for a period up to one year in duration. Such employees are not considered classified employees.

CHAPTER 10

The Probationary Period

Sec. 1. Purpose--The probationary period is an integral part of the selection and employment process and shall be utilized for closely observing the employee's performance and behavior. The probationary period allows an employee time to transition into a new position and, if necessary, allows the City to assess whether the employee is suitable for continued employment.

Sec. 2. Duration--

(a) Every person selected to fill a position in the classified service shall have a probationary period as provided below:

- (1) Appointees to the position of Police Officer or to the position of Firefighter are required to satisfactorily complete an initial probationary period of twelve (12) consecutive months to be certified to classified status in the position.
- (2) Appointees to all other initial or promotional positions in the classified service are required to satisfactorily complete a probationary period of six (6) consecutive months to be certified to classified status in the new position.
- (3) Certification to Classified Status: Appointees shall be eligible for certification to classified status as a City employee after satisfactorily completing six (6) months of service, or twelve (12) months of service as a Police Officer or Firefighter, whether in an initial or other probationary period. However, appointees shall be eligible for certification to classified status in a specific position only after satisfactorily completing six (6) months of service in said position. Prior to successful completion of the initial probationary period, an employee may accept another position upon approval of the Human Resources Director and the employee's current Department Director. Such approval will be based on the interests of the department and the needs of the City. If the employee is accepting a promotion, the probationary period will start anew for the new classification.

Classified part-time employees shall have the requirement of satisfactorily completing the six month equivalent number of hours for the respective classification (1040 hours of actual work if employed in a class which normally has a 40-hour work week or 975 hours of actual work if employed in a class which normally has a 37 1/2-hour work week) prior to being eligible for certification to classified status.

Employment during a Temporary appointment in the same class immediately preceding a classified appointment in the same department shall be credited toward the required probationary period. If such classified appointment is to a position in another department, the following paragraph will apply.

- (b) An employee who transfers from one department to another department before completing the probationary period may receive credit toward the probationary period equal to the length of service in the original position or may be required to serve a new probationary period.

Sec. 3. Reports--Each Department Head having jurisdiction over an employee serving a probationary period shall prepare a report on the employee's performance and behavior at designated times and on applicable Human Resources Department forms. In order to allow an employee an opportunity to correct inadequate job performance and/or inappropriate behavior, the Department Head or designated representative shall review the probationary report with the employee. The employee is required to sign the probationary report only to confirm that the report has been received and reviewed. The Department shall submit the final probationary report to the Human Resources Department prior to the end of the probationary period for processing and retention.

Sec. 4. Termination of the Probationary Period--Before or at the expiration of the probationary period, the City Manager or designee may dismiss the employee for cause, or return the employee serving a promotional probation to his/her previous position provided that the position is still open and with the approval of the former Department Director, or re-assign the employee to another position at the same or lower level for which the employee is determined to be qualified and with no loss of pay from the employee's position prior to promotion, or extend the employee's probationary period for up to three (3) months or as otherwise allowed by provisions of applicable collective bargaining agreements. A copy of notice of such action shall be filed in the employee's personnel file within the Human Resources Department. Any employee who completes the probationary period without having been dismissed, returned to his/her former or another position, or having his/her probationary period extended consistent with this section or a collective bargaining agreement shall attain classified status in the position.

An employee who is dismissed or demoted during the initial probationary period under these rules shall have no right to appeal and his/her name will be removed from all eligibility lists in the affected class.

CHAPTER 11

General Terms and Conditions of Employment

Sec. 1. Residence--Employees in the classified service of the City are required to establish and/or maintain a bona fide residence within the employment area designated by the City. Residence requirements may be established for individual job classes or for job categories as determined by the City. However, present employees in the classified service who were appointed or promoted to their current job prior to the establishment of any residence area affecting their job class shall not, so long as they remain in the same residence, be required to move into the designated employment area. Any employee who changes residence after the residency requirements are in effect shall be required to comply with this provision. It shall be the responsibility of each employee to keep his/her respective Department Head or equivalent advised of current address, current telephone number, and any change in name. The employee's department shall promptly send the Human Resources Department written notification of any such change.

Sec. 2. Health and Well Being--An applicant for employment shall, prior to the effective employment start date, be required to submit to a drug screening and, if a necessary qualification for the position, a medical and/or physical examination. The Human Resources Department shall designate the medical facility and/or examining physician and the cost of drug screening and/or examination shall be paid by the City. In the event of failure to pass a drug screening or examination, the candidate's name will be removed from the appropriate Eligible List.

At the request of the Human Resources Department, an employee shall be required to submit to medical and/or other examinations to determine the employee's physical and/or mental capacity for the continued performance of the position's duties. An employee who fails to pass such medical examination and either 1) cannot meet the City's performance standards because of physical or mental impairment or 2) is determined to be a qualified individual with a disability and cannot perform the essential functions of a position when a requested and reasonable accommodation cannot be made, or where making such accommodation would cause undue hardship on the City, may be separated from service on medical grounds. Such separation is not considered disciplinary, and the separation will be shown in records of the Human Resources Department as being for other than disciplinary reasons. Since such separation is not disciplinary, the employee shall not have the right of appeal of disciplinary action to a Hearing Officer under Chapter 13, Sections 10 through 13.

Sec. 3. Suitability and Fitness--The City shall conduct, prior to hire for all selected candidates for employment, a background check that may include but not be limited to reference checks, employment verification, criminal history, and any other criteria that is job related.

CHAPTER 12

Hours of Service

Sec. 1. Normal Work Hours--The number of hours constituting a regular schedule work week for City employees is specified by class title in the Official Pay Plan and excludes meal periods. In positions requiring shift work, the City reserves the right to include meal periods as actual time worked. Regularly scheduled work hours may be adjusted or "flexed" within a specific work week with proper notification and at the mutual convenience of the employee and the respective department. Such adjustments or flexing of work hours must be approved in advance by the respective department and may not be subject to a quid pro quo arrangement or otherwise required by the department in order to avoid the payment of overtime.

Sec. 2. Overtime Work Hours and Hours of Operation--

- (a) Compensation for work performed beyond the normal scheduled work week shall be made in accordance with the Fair Labor Standards Act, the City Pay Plan, and respective collective bargaining agreements.
- (b) The hours of operation for all City departments and subdivisions are determined by the City Manager or designee.

Sec. 3. Outside Employment--With respect to outside employment, the following Rules and Regulations shall apply to all classified City employees.

- (a) All employees are prohibited from engaging in any employment or enterprise that is inconsistent, incompatible, or in conflict with their duties, functions, and responsibilities as a City employee.
- (b) Classified employees shall not hold any other position in public or private sector employment if such position results in the loss or degradation of the employee's City job performance.
- (c) Classified employees who engage in any outside employment, activity, or enterprise shall inform their respective Department Heads in writing, on forms provided by the Human Resources Department, stating the location, nature, and extent of outside employment. Failure to furnish such information is a violation of this Chapter. The respective Department Head shall determine whether the holding of outside employment is inconsistent, incompatible, or conflicts with the employee's current duties and responsibilities. A copy of the outside employment form, either approved or disapproved by the Department Head or equivalent, shall be sent to the Human Resources Director. The Human Resources Director must also approve the outside employment. Employees shall report to the Department Head or equivalent, on Human Resources Department forms, any material change in the location, nature, or extent of approved outside employment. Failure to make such report is a violation of this Chapter.

- (d) A Department Head or the Human Resources Director may at any time rescind approval for outside employment if such employment has a significant detrimental impact on an employee's job performance. The Department Head or equivalent shall notify the Human Resources Department and employee, in writing, of the reasons for rescinding approval.

The determination of the Department Head shall take into account the following factors:

- (1) Possible impairment of employee job performance.
 - (2) The possibility of accidents or injury due to fatigue or inattention.
 - (3) Worker's Compensation.
 - (4) Competition with private employment.
 - (5) Conflict of private and municipal interest.
 - (6) Public relations.
- (e) In cases where an employee is denied approval for outside employment or approval is rescinded, and the employee believes that he/she has been unfairly discriminated against or treated capriciously, the employee may appeal the decision in writing to the City Manager or designee within fifteen (15) calendar days from the date of disapproval. The appeal will be in sufficient detail to allow an equitable basis for review. The City Manager or designee will meet with the employee, who may then present all other relevant documentation or statements. The decision of the City Manager or designee shall be final.

CHAPTER 13

Suspensions, Demotions, and Dismissals

Sec. 1. Purpose--The City reserves the right to suspend, dismiss, or demote any employees who are unwilling or unable to meet City-wide, Department, and/or position standards. Position standards shall also include all departmental rules, general or special orders, and, if applicable, specified rules or articles contained within respective collective bargaining agreements.

Sec. 2. Performance Management and Review--Each City Department oversees the management of employees through performance and behavior management programs established by the Human Resources Department. The City reserves the right to change or modify these programs in accordance with applicable provisions of any collective bargaining agreements. When practical, the City through its management and supervisory employees will provide intervention, coaching, and corrective guidance that encourages employees to recognize inappropriate behavior and/or deficient job performance. Employees will be provided with reasonable opportunities in order to bring performance or behavior up to City or Department standards. It is recognized, however, that some employees may be unable or elect not to meet such standards or expectations. In such instances, the City may dismiss, suspend, or demote the employee.

Sec. 3. Reasons for Suspension, Demotion, and Dismissal--Whenever practical, employees will be given reasonable opportunity to bring their performance and/or behavior up to acceptable standards pursuant to the procedures and rules of the City's performance and behavior management programs. However, employees may be subject to disciplinary action up to and including immediate dismissal for the following acts, including but not limited to specifically cited examples:

- (a) Violation of the provisions of Chapter 2 of the City Code of Ordinances.
- (b) Failure to perform satisfactorily within established guidelines.
- (c) Failure to properly notify the City of intent to return to work after three consecutive days of absence or failure to return from a leave of absence at the end of an authorized leave period.
- (d) Abuse or improper treatment of a person or persons in custody, unless such actions were committed in self-defense, to protect the lives of others, or to prevent the escape of anyone in lawful custody.
- (e) Commitment of a flagrant offense, including harassment or discrimination or abusive conduct or language toward coworkers, City officers, or the public.
- (f) Habitual tardiness for duty or excessive unauthorized absence from duty.

- (g) Commitment of or participation in an activity or action which undermines public confidence or otherwise significantly impairs the employee's ability to perform his/her job productively.
- (h) Conduct unbecoming a City employee defined as scandalous or disgraceful while on or off duty where such conduct tends to embarrass the City or bring its service into public disrepute. This includes but is not limited to unlawful activity that results in formal charges being filed, theft of City property, falsification of personal or City records, making false claims or misrepresentations in an attempt to obtain medical or accident benefits, workers compensation, unemployment compensation, or any other such benefit, engaging in an act involving moral turpitude, and/or the willful destruction of City property.
- (i) Endangerment of the health and/or welfare of self, fellow workers, and/or citizens, or placement of the City in an extremely liable position. This includes but is not limited to failure to comply with the City's Anti-Drug and or Alcohol Policies, the use of weapons on duty (except by sworn officers in the line of duty), acts of violence as identified in the City's Workplace Violence Policy, acts compounded by lying, or intentional violation of safety rules.
- (j) Intoxication or under the influence of illegal substances while on duty or representing the City.
- (k) Failure to abide by the City's Employee Assistance Program rules and/or guidelines when made as a condition of postponing termination or as a condition of continuing employment.
- (l) Failure to conform to the dictates of corrective action, including but not limited to failure or inability to comply with an agreed upon "development plan," or when the City believes that an employee is willful in refusing to adhere to established rules, regulations, or guidelines.
- (m) Violation of or failure to obey any lawful policy, regulation, and/or reasonable direction made and given by a supervisor or other authority when such violation or failure to comply is insubordination or a serious breach of discipline.
- (n) Acceptance for personal use of a fee, gift, or item of value during the course of or in connection with work when such fee, gift, or item of value is given by any person in the hope or expectation or perception of receiving preferential treatment.
- (o) Direct or indirect aid in assessing, soliciting, collecting, or receiving money or items of value from anyone for any political purpose while on the job, job site, or in the official capacity as a City employee.

- (p) Participation in or actual or attempted inducement of any officer or employee in the City service to participate in or commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation.
- (q) Failure or refusal to subscribe to the "Loyalty Oath" or to complete other required documents relating to initial employment, or to be fingerprinted by the Clearwater Police Department when required by the City.
- (r) Failure to comply with or violation of City or departmental regulations, collective bargaining agreement, or the provisions of Section 3 of Chapter 12 relative to outside employment.
- (s) Failure to comply with or violation of City or departmental regulations, collective bargaining agreement, or the provisions of Section 2 of Chapter 19 relative to sick leave.
- (t) Residing outside the designated employment area if such residence was a condition of appointment or failing to comply with the City policy or a collective bargaining agreement provision concerning residency requirements.
- (u) Failure or refusal to perform a reasonable amount of emergency work after regular working hours or on days not regularly scheduled to work when directed by a supervisor or other competent authority.
- (v) Loss or revocation of a license or certification which is a mandatory requirement of the current job classification or position.

Sec. 4. Suspensions--The City Manager or designee may suspend classified employees without pay for a specified period of time. A suspension for an indefinite period shall be considered a dismissal.

Sec. 5. Demotions--The City Manager or designee may demote a classified employee from a position in one class to a position of another class with a lower rate of compensation or to a lower rate of compensation in the same class for disciplinary purposes under Section 1 of this Chapter, or when the employee does not render satisfactory service in the current position held but may do so in a lower class, or when the employee voluntarily requests a demotion.

Sec. 6. Dismissals--The City Manager or designee may discharge an employee for one or more of the causes listed under Section 3 of this Chapter or in accordance with the established performance and behavior management program, departmental rules, Police and Fire Department General or Special Orders, or for other good cause.

Sec. 7. Notice to Employee--In every case of a suspension, demotion, or dismissal, a written notice from the City Manager or designee of the reasons for and the action taken shall be served upon the employee or mailed to the employee's last known address by registered or certified mail, return receipt requested. In the case of a classified employee, such written notice shall contain the reason, facts, and circumstances for the suspension or dismissal.

Sec. 8. Employee Response--A classified employee who is suspended, demoted, or dismissed may, within ten (10) calendar days of notification, file a written response with the City Manager or designee. A copy of the employee's written response shall be filed with the Human Resources Director.

Sec. 9. Acceptance or Denial of an Employee Response--

- (a) If the City Manager or designee should accept the employee's response, the disciplinary action will be withdrawn or amended. The employee will receive written notice of such action within ten (10) calendar days from the date of receipt of the employee's written response. A copy shall be filed with the Human Resources Director.
- (b) If the City Manager or designee denies the employee's response, the employee shall be notified of the denial in writing within ten (10) calendar days from the date of receipt of the employee's written response. A copy shall be filed with the Human Resources Director.

Sec. 10. Employee Appeals--A classified employee who is suspended, demoted, or dismissed may appeal to a Hearing Officer by filing a written request for appeal with the Human Resources Director. Any such request shall be filed with the Human Resources Director within ten (10) calendar days from the date the employee receives the City Manager or designee notice of denial. The Human Resources Director shall initiate the necessary action to obtain a Hearing Officer in a manner consistent with provisions of Chapter 2, Article IV, Division 2, as amended, of the City Code of Ordinances. If the employee neglects to file a written answer or request under the appeal provisions of Chapter 2, Article IV, Division 2, as amended, of the City Code of Ordinances and this Chapter within the prescribed time limits, the original order of the City Manager or designee is final and not subject to further appeal.

An employee shall have the option of selecting either the grievance procedure outlined in these Rules or that outlined under the applicable collective bargaining agreement. Once a selection is made and the grievance process commences, it is specifically understood that the employee has exercised his/her option granted by Florida Statute 447.401 and cannot thereafter process his/her grievance under the other procedure.

Sec. 11. Hearing Officer--Appeal of alleged adverse employer action beyond the level of the City Manager or designee shall be heard by a Hearing Officer as provided in Chapter 2, Article IV, Division 2, as amended, of the City Code of Ordinances, and Chapter 2, Section 3 of these rules. The Hearing Officer's decision shall be presented to the Civil Service Board for its consideration and action.

Sec. 12. Civil Service Board Review--When the City Manager or designee or an employee appeals to the Civil Service Board, the Board may by a majority vote accept the Hearing Officer's decision or direct a subsequent action within the authority of the Board in accordance with these rules. The Civil Service Board may reject or modify the conclusions of law and interpretations of administrative rules contained in the proposed order of the Hearing Officer, but may not reject or modify the findings of fact unless it reviews the entire record of the hearing, and from such review states with particularity that the findings of fact were not based on competent substantial evidence or that the proceedings upon which the findings were based did not comply with the essential requirements of law. The Civil Service Board shall not have the authority to reopen any hearing or to commence taking or retaking evidence or testimony. Within ten (10) calendar days of reaching a decision, the Civil Service Board shall notify the City Manager and employee of its order and/or determination of penalty, provided such order or determination is consistent with the factual findings of the Hearing Officer and with Florida Statutes. The order of the Civil Service Board is final and the City Manager or designee and employee shall accept the prescribed determination unless within five (5) calendar days the City Manager or designee or employee seeks further judicial review.

Sec. 13. Circuit Court Review--Either party may appeal the Civil Service Board decision in Circuit Court as provided in applicable Florida Rules of Appellate Procedure.

CHAPTER 14

Grievances

Sec. 1. Policy--Employees represented by a Union that has an established collectively bargained agreement that contains a grievance process are not eligible to file a grievance under this chapter. A grievance as defined by this Chapter is the dissatisfaction an employee feels when he/she believes, rightly or wrongly, that he/she has not been treated fairly concerning seniority, hours of work, leave eligibility, and other related terms and conditions of employment or when the employee believes a mistake has been made in the administration of a personnel rule or policy, except that cases involving position classification and pay thereof, performance evaluation, examination, outside employment, suspension, demotion, and dismissal shall not be covered by this policy. The adjustment of complaints arising there from are provided for separately. It is the intent of the City to resolve grievances informally. The various departments and organizational units of the City have developed informal methods to resolve grievances, the use of which are encouraged and promoted. However, when informal methods are unsuccessful in resolving a dispute, the following procedures shall apply.

Sec. 2. Procedures--

- (a) Any employee may consult with the Human Resources Director and seek advice and counsel on the provisions of the personnel related ordinance and/or these Rules.
- (b) An employee shall present a grievance, in writing, to the immediate supervisor within five (5) working days after the employee is aware of or is made aware of a grievable action. The supervisor shall inquire into the facts and circumstances of the complaint, and shall meet with the employee within five (5) working days after receipt of the grievance. The supervisor shall attempt to resolve the complaint promptly and fairly and shall provide an answer in writing within five (5) working days of the meeting with the employee. The immediate supervisor may collaborate with the Department Head and/or intermediate supervisors as necessary in order to arrive at a prompt and equitable response. If the employee is informed that a grievance is outside the supervisor's area of responsibility, or the grievance is not otherwise resolved to the employee's satisfaction, the employee may then submit the grievance through the procedure specified in paragraph (c).
- (c) An employee who does not feel that the response of the immediate supervisor is satisfactory, or who does not receive a response within the time limit prescribed in the preceding paragraph, may request in writing, within five (5) working days of receipt of the response or expiration of the time limit, a meeting with the Department Head or equivalent. A meeting shall be arranged as soon as conveniently possible but, except in the absence of the Department Head or equivalent, not later than ten (10) working days from receipt of the employee's request. The meeting shall include the employee, the immediate supervisor, and the Department Head or equivalent, as well as any other persons necessary in resolving the grievance. In departments having a formal chain of command, the Department Head may delegate this function to the appropriate intermediate supervisor but is personally responsible and accountable for any ensuing decision. The Department Head or designee shall make a separate investigation and inform the employee of his/her decision and the reasons for the decision within ten (10) working days of the meeting.

- (d) If the employee does not feel that the decision of the Department Head or equivalent is satisfactory or if a response is not provided within the time limit prescribed, a request to review the decision of the Department Head or equivalent may be sent by the employee to the City Manager or designee within five (5) working days of the response or expiration of the time limit. Such request shall be in writing and in sufficient detail to provide the basis for equitable consideration and shall state the specific complaint and reason the employee considers it to be justified. The employee shall indicate the response received from the immediate supervisor and/or Department Head and reason the response is considered unsatisfactory. The City Manager or designee shall make a separate investigation and/or conduct hearings as necessary and shall, within ten (10) working days after receipt of the employee's request for review, inform the employee in writing of the findings and decision. Except as provided below, the decision of the City Manager or designee shall be final and binding. If the employee neglects to submit a written request to the City Manager or designee within the prescribed five (5) working days, the decision of the Department Head or designee will be considered acceptable and the complaint will not be subject to further appeal.
- (e) If an employee believes the decision of the City Manager or designee is discriminatory and/or capricious or that it violates any of the provisions of the personnel related ordinance and/or these Rules, an appeal may be sent to the Civil Service Board within five (5) working days after receipt of the City Manager or designee decision. Appeals shall be in writing and in sufficient detail to provide the basis for equitable consideration. They shall also include a copy of the employee's appeal to the City Manager or designee and his/her findings and decision. The City Manager or designee, the Department Head, and the employee shall each be given the opportunity to participate in the review. Each participating party shall carry the burden of proof but no subject matter other than the charge of discrimination and/or capriciousness or the violation of any of the provisions of the personnel related ordinance and/or these Rules shall be discussed or considered. The determination of the Board is indicated by a majority vote of those present and shall be submitted to the City Manager or designee as a recommendation of the Board.

CHAPTER 15

Resignations and Retirements

Sec. 1. Resignation Procedure--A classified employee may resign from the City by making his/her intent known, at least two weeks prior to actually leaving, to his/her Department Head or equivalent on a form provided by the City. This intent may be in writing, via e-mail, or verbal. Department Directors who receive verbal resignations will immediately notify Human Resources of such. Failure to give two weeks notice, unless waived by the Human Resources Director, shall be noted in the employee's file and may affect future employment with the City. Any employee who quits or abandons his/her employment without submitting a resignation to the Department Head shall waive all rights to seniority or reemployment privileges.

Employees who resign are required to be in attendance and actually working on their last day of work. Employees are not permitted to advance the date of their resignation through the use of any type of paid or unpaid leave. The effective date of a resignation submitted by an employee who is absent from work shall be considered to be the last day of the preceding payroll period or the last day the employee was physically at work, whichever day is later.

Sec. 2. Withdrawal of Resignation--A classified employee who submits a resignation may, with the approval of his/her Department Head and the City Manager or designee, withdraw a resignation prior to the effective date and continue in the position. A classified employee who resigned in good standing may, upon written application filed within six (6) months after the effective date of resignation, withdraw the resignation provided that the withdrawal is approved by the employee's former Department Head or equivalent and the Human Resources Director.

Sec. 3. A former classified employee who withdraws a resignation under the foregoing provisions without being rehired shall be placed on the appointment eligibility list for the class which he/she formerly occupied and/or on other appointment eligibility lists as provided in Sections 2 and 3 of Chapter 8, and/or on any other appointment eligibility lists for which the employee may subsequently be determined to be qualified. Such employee who is re-appointed to City service within one year after the effective date of the withdrawal of resignation shall have his/her seniority and any applicable benefits restored to the status effective at the time of resignation, except that such employee who is re-appointed to City service in a class of a lower level shall have his/her rate of pay fixed at the lesser of the rate equivalent to a 5% reduction in the employee's rate of pay at the time of resignation or the rate equivalent to the pay range maximum of the lower level class.

Sec. 4. Retired Employees--The records of employees retired from positions eligible for Pension Plan participation shall indicate if an employee's retirement is a years of service, job-connected disability, or non-job-connected disability retirement. No such person shall be eligible for examination, appointment, or employment in the classified service as a Pension-eligible employee if a retirement payment is received. However, such employees are eligible for City employment in unclassified, emergency, temporary, part-time, or other positions that are not eligible for Pension Plan participation.

CHAPTER 16

Seniority

Sec. 1. Definition--Seniority is defined as the length of continuous service in City employment. Time in classification is defined as the length of continuous service in a specific job classification as a regular position in the classified service.

Sec. 2. Accrual--

- (a) The seniority date for classified employees is the effective hire date and begins from the current period of continuous City employment without regard to job classification. The time in class date for classified employees is the effective date of entry into a specific job classification.
- (b) The seniority and/or time in class of an employee hired on a Temporary basis who is subsequently appointed to a classified position of the same class and completes the probationary period under the applicable provisions of Chapter 10 begins from the date of initial appointment.
- (c) Emergency and temporary employees who are not appointed directly to a classified position shall not accrue seniority or time in class.

Sec. 3. Continuous Service--Continuous service is the length of uninterrupted City employment in a classified position, except that the following are not considered breaks in employment:

- (a) Leaves of absence or time off with or without compensation authorized in accordance with Chapter 19 shall not be deducted from the length of continuous service.
- (b) Layoffs for lack of work, lack of funds, abolition of position, or because of City reorganization or restructuring not exceeding one year in length and followed by reinstatement or appointment from the reemployment list. The period of any such layoff shall not be deducted from the length of continuous service, except as provided by action of a Hearing Officer.
- (c) The period of any disability retirement shall not be deducted from the length of continuous service if it is followed by reinstatement.
- (d) Suspensions in accordance with Chapter 13. The period of any such suspension shall not be deducted from the length of continuous service.
- (e) Dismissals which are withdrawn or modified by the City Manager or designee or by action of a Hearing Officer and the Board in accordance with Chapter 13. The period of separation shall not be deducted from the length of continuous service except as provided by action of a Hearing Officer.

- (f) Resignations subsequently withdrawn in accordance with these Rules within six (6) months after the effective date of the resignation followed by reinstatement or rehire from the appointment eligibility list. However, the actual length of separation from service shall be deducted from the length of continuous service.

Sec. 4. Uses--Seniority shall be given reasonable consideration in determining the order of names on a reemployment list, determining the order of layoffs, or as otherwise provided for in applicable collective bargaining agreements.

Sec. 5. Transfer--Employees who transfer within the City shall retain all accrued seniority.

CHAPTER 17

Layoffs

Sec. 1. When Layoffs Are Necessary--An employee may be laid off by the City Manager or designee when there is lack of work or funds, abolition of position, or material changes in duties or organization which require a reduction in personnel. No classified employee, however, shall be laid off while there are emergency, temporary, or probationary employees serving in the same class in the organizational unit, except when the classified employee declines to be placed in a lower level classified position in accordance with a layoff procedure.

Sec. 2. Method--When the need arises for laying off classified employees in any department for reasons listed in Section 1 above, the order of layoff shall be determined by taking into account both service ratings and seniority. When other qualifications are equal, seniority will govern. The provisions of this rule shall only apply to employees in good standing who are physically and mentally able to meet and perform the position requirements and responsibilities in the same or lower class.

Sec. 3. Names Placed on Reemployment List--Names of classified employees who are laid off shall be placed on the reemployment list in the appropriate class for a period of one year. Names shall be placed on the reemployment list in order of seniority as specified in Section 2 of Chapter 8.

CHAPTER 18

Political Activities

Sec. 1. Assessments and Contributions Prohibited--No City officer or employee shall directly or indirectly make, solicit, or receive any assessment, subscription, or contribution for any political party for any political purpose during work hours.

- (a) The terms "assessment, subscription, or contribution" are defined to include money or other items of value but does not include annual membership dues in clubs or organizations nor tickets to political affairs.
- (b) The term "political" is defined to include non-partisan as well as partisan political activities.

Sec. 2. Prohibited Political Activities--

(a) No person in the classified service shall:

- (1) Be required to take part in any political activity or face retaliation for refusing to take part.
- (2) Intentionally or unintentionally use the authority or official influence of his/her position in an attempt to coerce or shape the political action of any other person.
- (3) Represent an opinion on political subjects or candidates to be the opinion of or endorsement by the City. Classified employees are otherwise encouraged to hold membership in and support a political party, to vote, to develop opinions on political subjects and candidates, to remain politically neutral when on duty, and to attend political meetings during the employee's off-duty hours.
- (4) Be excused from duty unless obtaining a leave of absence without pay beginning when announcing candidacy for public office and ending after the election. In cases of an election recall or recount, the leave of absence without pay shall be extended until the employee is no longer a candidate.

Sec. 3. Election or Appointment to Public Office--After election and appointment to a public office (other than notary public), a classified employee shall be required to resign his/her current position. A classified employee shall submit a formal resignation before entering office, the effective date of which may allow the use of accrued vacation time.

Sec. 4. Provisions of Employment--The provisions of this Chapter are declared to be a condition of City employment.

CHAPTER 19

Leaves

The City reserves the right to establish or modify leave programs provided that such action is in accordance with provisions of Florida Statute 447 and any duty to bargain such changes or the impact of such changes on affected employees as provided in applicable collective bargaining agreements, or as established by the City Manager.

Sec. 1. Annual Leave--

- (a) Every classified full-time or part-time employee is entitled to an annual vacation leave with pay at his/her regular salary or hourly rate in accordance with the applicable collective bargaining agreement and/or these Rules. Emergency and temporary employees are not entitled to any vacation benefits.
- (b) Vacation time is accrued on a calendar year basis, the schedule and maximum limit of which shall be specified in the applicable collective bargaining agreement or as established by the City Manager or his/her designee for non-represented employees.
- (c) Classified employees are eligible for vacation after being employed the required length of time as specified in the applicable collective bargaining agreement or as established by the City Manager or his/her designee.
- (d) Once classified employees have met the minimum requirements for vacation usage eligibility, the City reserves the right to grant vacation time as dictated by employee leave balances and organizational needs.
- (e) Classified part-time employees earn vacation time prorated based on the actual hours worked. Classified part-time employees are not eligible for longevity vacation days.
- (f) In the event an employee is promoted, demoted, or transferred from a full-time position to a full-time position with greater or lesser biweekly hours, the employee's accrued vacation hours shall be adjusted to reflect the equivalent vacation days.
- (g) Vacation leave may not be accrued in an amount above the established vacation cap. When a department cannot schedule or cancels previously scheduled vacation time due to City work needs, the canceled vacation time must be taken within 90 calendar days of the scheduled vacation date or as specified in the applicable collective bargaining agreement.
- (h) An employee's vacation leave balance will be charged actual vacation leave hours used. Vacation may be taken in consecutive workdays or in multiple periods as agreed to by the employee and with the approval of the Department Head or his/her designee.
- (i) Employees who are on a military leave of absence shall continue to accrue vacation time and retain all unused vacation time, or are eligible to receive payment for unused vacation time.

- (j) If an employee is on a leave of absence without pay, sick leave without pay, vacation without pay, or any other time off without pay, the employee shall not accrue vacation during the unpaid period.
- (k) An employee who is granted a leave of absence for an FMLA qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid vacation shall have such paid vacation balance reduced concurrently with the FMLA leave. An employee who is granted a leave of absence without pay and who is eligible for vacation leave is required to use all vacation leave prior to starting a leave of absence without pay.
- (l) An employee on paid sick leave under the provisions of this Chapter is considered continuously employed for the purpose of earning a vacation. This provision includes any period of absence in which the employee is injured and receives Worker's Compensation or as stipulated under the provisions of the FMLA. Otherwise, the provisions of paragraphs (j) and (k) will apply.
- (m) When an employee separates from City service, he/she will receive payment for all unused vacation leave.
- (n) An employee who transfers departments or is appointed from a certified eligibility list to a position in another department without a break in service shall also retain all vacation leave.
- (o) City management shall make a reasonable effort to schedule and approve employee vacation leave. The scheduling of all employee vacation leave is the responsibility and at the discretion of the Department Head or equivalent. Approval of employee vacation leave is determined by organizational needs and must allow continued efficient and effective departmental operation. Employees are encouraged to suggest alternative vacation schedules in order to avoid adversely affecting the performance of their respective departments. However, no employee shall be required to forego a vacation in two consecutive calendar years nor shall any employee lose vacation accrual due to the department's failure to accommodate an employee's reasonable vacation request.
- (p) The City reserves the right to offer, in lieu of a vacation, the payment of compensation for vacation leave when necessitated by a specific collective bargaining or contractual agreement.
- (q) The length of continuous vacation absence shall not exceed one (1) calendar month and is in addition to any annual vacation leave for which the employee may be eligible. Any authorized absence from duty exceeding one (1) continuous calendar month is a leave of absence in accordance with these Rules and Regulations. If a leave of absence without pay is taken in conjunction with a regular vacation leave, the regular vacation shall not count towards the one (1) calendar month limit. If in the opinion of the Department Head and the City Manager or designee an extraordinary condition exists, a probationary employee may be granted a vacation without pay in accordance with these Rules.

Sec. 2. Sick Leave--Every full-time classified employee shall accumulate sick leave, have sick leave reporting requirements, use and be charged for sick leave, have sick leave incentive and line of duty injury provisions, have sick leave accrual maximums, and be provided funeral leave consistent with provisions of the applicable collective bargaining agreement or as established by the City Manager. Permanent part-time employees shall be eligible to receive sick leave at a prorated amount based on hours worked.

An employee who is granted a leave of absence for an FMLA qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid sick leave shall have such paid sick leave reduced concurrently with the FMLA leave. An employee who is granted a leave of absence without pay for a non-FMLA-qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid sick leave shall be required to use all paid sick leave prior to starting the leave of absence without pay.

When an employee is on extended sick leave for a period that exceeds twelve weeks, the City may require the employee to undergo a fitness for duty evaluation to determine the employee's ability to return to his/her current or other position.

Sec. 3. Holidays--

- (a) The City shall determine and publish the actual dates of observance of each holiday.
- (b) Employees shall be granted time off with pay for designated holidays and floating holidays as set in the applicable collective bargaining agreement or as established by the City Manager or his/her designee. Non-represented classified employees shall observe the holiday schedule consistent with the general employee group.
- (c) Emergency and temporary employees shall not receive holiday compensation and shall be compensated only for the time actually worked.
- (d) Classified regular part-time employees shall receive holiday pay, including floating holidays, at a rate equal to twenty percent (20%) of their normal budgeted weekly schedule.
- (e) Whenever one of the designated holidays falls on a Saturday or Sunday, the preceding Friday or the following Monday respectively shall be designated by the City Manager as the official holiday for the purposes of this Section.
- (f) Holidays falling within the period of annual vacation leave shall be charged as a holiday and not charged as vacation. Holidays falling within a period of sick leave shall not be counted as a workday unless the employee would have been scheduled to work on such holiday.
- (g) Employees shall be compensated for designated holidays in accordance with their respective collective bargaining agreement or as determined by the City Manager.

- (h) An employee who provides essential services and is scheduled to work on a designated holiday, and who fails to report for work without a valid reason as determined by the Department Head, shall forfeit holiday pay and the work hours missed will be considered an unauthorized absence.
- (i) Non-represented employees who are covered by overtime provisions of the Fair Labor Standards Act (FLSA) and who are required to work on a designated holiday shall receive equivalent time off within the same work week or receive pay commensurate with the general employee group and in accordance with provisions of the FLSA.
- (j) An employee must work or be in a paid status on his/her regularly scheduled workday immediately preceding and on his/her regularly scheduled workday immediately following a designated holiday to be entitled to any compensation for the holiday.

Sec. 4. Administrative Leave With or Without Pay--A City employee may be placed on administrative leave with or without pay when circumstances dictate that an employee be relieved from duty in conjunction with a disciplinary action, during or following an investigation, pending decision making leave or termination, or when the employee's services are determined to be non-essential, or as otherwise deemed necessary by City administration with the approval of the City Manager or designee.

Sec. 5. Military Leave--Any classified or probationary employee in the civil service who is inducted into the United States Armed Forces under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service and who leaves a position, other than a temporary or emergency appointment, shall be reinstated in the City service in accordance with Federal Law and the following regulations:

- (a) Military Leave shall be granted in accordance with the following provisions except when these provisions conflict with Federal law:
 - (1) For inductees, the minimum period of time required to be served.
 - (2) For enlistees in time of war, the period of the first minimum enlistment or any additional period of required service.
 - (3) For reservists, the minimum period of required service.
- (b) For the purposes of this Section, "Armed Forces" are defined as:
 - (1) The United States Army, Navy, Marine Corps, Air Force, and Coast Guard.
 - (2) The auxiliary services necessary to and associated with the United States Armed Forces, as determined by the City.
- (c) Application for reinstatement must be made within ninety (90) calendar days from date of honorable discharge or release, or from hospitalization continuing after discharge for a period of not more than one year. Written application shall be submitted to the Human Resources Director and shall include a copy of the honorable discharge or release.

- (d) Employees returning from military leave shall be reinstated in the City service in accordance with the following:
- (1) If still qualified to perform the duties of a former position, the employee shall be restored to such position or to a similar position with no loss of seniority, status, and pay.
 - (2) If not qualified to perform the duties of a former position by reason of disability sustained during such service, but qualified to perform the duties of any other position in the employ of the City, the employee shall be restored to such other position without loss of seniority, status, and pay.
 - (3) In the event there is no vacancy in the appropriate class or position of like status and pay and there is an employee in such class serving a probationary period who has not acquired regular status, then such probationary employee shall be laid off and the returning employee reinstated.
 - (4) If no employee in the appropriate class or position of like status and pay has not achieved regular status and the returning employee cannot be reinstated under the provisions of paragraph (3) above, then the employee having been employed in the appropriate class for the shortest period of time shall be laid off and the returning employee reinstated.
 - (5) An employee upon reinstatement shall have the same status as prior to the beginning of military leave. He/she shall take any examinations that would have otherwise been required and complete any uncompleted period of probation.
 - (6) An employee, prior to reinstatement, shall submit to such medical and/or physical examinations as the Human Resources Director deems necessary to determine whether or not military service has in any way incapacitated the employee for the work in question. However, as far as practicable, any employee returning with disabilities shall be placed in such employment as the Human Resources Director deems suitable under the circumstances.
 - (7) Any regular or probationary employee receiving a dishonorable discharge from the Armed Forces shall not be reinstated to any position in the City service.
- (e) An employee granted a military leave of absence shall, insofar as possible and in accordance with Federal Law, have all the rights and privileges as if he/she had remained on duty, including cumulative seniority and, except as otherwise provided in these Rules and Regulations, all other benefits dependent on length of employment to the same extent as if the employee had not been absent on such leave.
- (f) An employee returning from military service shall be reinstated to active City service at the earliest possible date following application for such reinstatement, consistent with the best interests of the City service and taking into consideration necessary adjustments to staff.

Sec. 6. Leave Without Pay--

(a) A City employee, under the provisions of the Family Medical Leave Act and/or these Rules, may submit a written request for a leave of absence without pay subject to the written approval of the City Manager or his/her designee for any of the following reasons:

- (1) Because of the physical or mental disability of the employee, spouse, child or parent.
- (2) Because the employee has announced candidacy for public office.
- (3) Because the employee is enrolled in a course of training or study in order to improve job-related skills and/or to provide increased career mobility.
- (4) Because, in the opinion of the City Manager or designee, extraordinary circumstances warrant such a leave of absence.

(b) Leave for any of the above reasons is subject to the following:

- (1) Leave up to two weeks may be approved by the respective Department Director. Leave greater than two weeks shall require approval of the City Manager or designee.
- (2) Leave shall not be granted for more than six (6) months, but may under the provisions of paragraph (a) be renewed. Renewals are at the discretion of the City Manager or designee.
- (3) An employee granted a leave of absence shall, except as provided below, be restored to his/her former position at the expiration of leave or the employee may be returned to his/her former position before leave expiration if approved by the City Manager or designee.
- (4) If the City Manager or designee determines that it is unreasonable and/or against the best interest of the City to return an employee to his/her former position or the former position has been eliminated, the employee shall be placed at the head of the reemployment list for the position class or classes similar to the previous position, provided the employee is physically and mentally qualified for such position. Should the names of two or more employees returning from leave be placed on the same reemployment list, the names shall be in order of seniority.
- (5) There will be no accrual of benefits or seniority during any leave of absence without pay. When an employee is in a non-pay status for more than 30 consecutive calendar days, the employee's seniority date, pension eligibility date, and annual performance evaluation date shall be adjusted by the number of days exceeding 30 consecutive calendar days the employee is in the non-pay status.
- (6) During a leave of absence without pay or any other non-pay leave or no-pay status of an employee exceeding two (2) weeks, except for such time that may fall within an approved Family and Medical Leave Act absence or when waived by the City Manager/designee due to extenuating circumstances, the employee must pay the required premiums to continue hospitalization coverage for himself/herself. Failure to submit the premiums shall result in the loss of coverage.

Sec. 7. Absence Without Approved Leave--

- (a) Any employee who is absent from duty for three (3) consecutive workdays without notice and a valid reason is considered to have abandoned his/her position and is subject to dismissal, unless a leave of absence is subsequently granted under any of these Rules and Regulations. Absence from duty on scheduled workdays immediately preceding and succeeding a holiday or other regularly scheduled day off shall be included in computing the three (3) consecutive workdays.
- (b) The failure of an employee to report for duty at the expiration of a leave of absence or vacation leave without providing notice or a valid reason shall be grounds for dismissal.

Sec. 8. Time Off--

- (a) An employee may be granted time off from duty with compensation for any of the following reasons:
 - (1) Appearance in court or before boards or commissions as a witness when such appearance is necessary and in the best interest of the City, except in litigation involving divorce, child support or custody, or litigation brought as a result of the employee's personal business.
 - (2) Participation in City examinations or other examinations which are required under these Rules, only if the examinations fall within the employee's regular work hours.
 - (3) Jury duty. The employee may be required to furnish proof of jury service. Employees are required to work any part of their regular schedule when not on jury duty.
 - (4) Pre-induction physical examination when ordered by a Selective Service Board or appropriate Federal agency. Time off shall be granted for the minimum period necessary to comply but shall not exceed two (2) regularly scheduled workdays.
 - (5) Active training duty with any component of the United States Armed Forces. Time off shall be granted only when the active duty training is mandatory and shall not exceed the term specified in the orders for the employee to report to annual active duty training. Such time off shall be in accordance with federal and state law.
 - (6) Attendance at professional or other conventions, institutes, courses, or meetings when approved by the City Manager or when directed by the Department Head or the City Manager.
 - (7) Attendance at City in-service training and other City in-service meetings when, in the opinion and at the discretion of the Department Head such meetings are designed to improve City services, employee's performance, or to assist in career mobility and personal development.

- (b) An employee may request time off without compensation to attend meetings other than those specified in (a) above or to attend to urgent personal business, at the discretion of the Department Head or equivalent, provided sufficient notice is given and departmental operations are not impacted.
- (c) With the approval of the Department Head or equivalent, an employee may be granted time off to act as an active or honorary pallbearer at a funeral or for attendance at state funerals of City officials, employees or their spouses, or when acting in a official capacity at military or fraternal funerals. Time off may be granted with or without compensation at the discretion of the Department Head and the City Manager.

Sec. 9. Medical Leave--The City shall abide by provisions of the Family and Medical Leave Act of 1993 (FMLA) and the 1978 Pregnancy Discrimination Act which shall be deemed incorporated herein.

CHAPTER 20
Employee Training, Safety, and Wellness Activities

Sec. 1. Training Programs--The Human Resources Director, in partnership with the City Manager or designee, Department and Division Heads or equivalents, and employees, shall design, implement, and promote training programs for all City employees. The purpose of the training programs is to provide the various departments within the City the means to increase operational effectiveness and organizational efficiency. Training programs may also be designed to assist employees with career mobility and/or personal development. Participation in training programs may either be scheduled during work hours or after normal working hours with the approval of the Department Head or equivalent as circumstances and department needs dictate.

Sec. 2. Safety and Wellness Activities--The Human Resources Director, in partnership with the City Manager or designee, Department and Division Heads or equivalents, and employees, shall strive towards promoting a workplace conducive to the safety, health, physical, and mental well-being of its employees.

CHAPTER 21

Reports and Records

Sec. 1. Reports to the Board--The Human Resources Director shall make an annual report to the City Manager and the Civil Service Board regarding the performance and organization of the Human Resources Department.

Sec. 2. Performance Ratings--The Human Resources Director shall establish and administer a program for rating the work performance of employees in the classified service. The performance rating system shall be designed to permit the evaluation of an employee's behavior and performance as accurately and equitably as possible. The Human Resources Director shall seek input from City Department Directors and others in equivalent positions as to the format and effectiveness of the performance rating system.

Sec. 3. Records and Tabulations--The Human Resources Director shall maintain and make available such personnel records as required by law or statute.

CHAPTER 22
Police and Fire Departments

Sec. 1. Department Rules for Police and Fire Departments--

- (a) In order to provide for the effective functioning of these departments, as well as to protect the public interest, it is necessary and desirable that departmental rules of conduct and procedure be established, maintained, and observed.
- (b) Police and Fire Chiefs shall each prepare a set of departmental rules of conduct and procedure for the respective departments. Such departmental rules shall contain matters of conduct and procedure and such other requirements as deemed necessary to maintain order, protect the public interest, and otherwise ensure the effective and efficient delivery of services in support of departmental objectives.
- (c) All department rules and provisions shall be consistent with the provisions of these Rules and Regulations, except where the departmental rules must conform with a collective bargaining agreement.
- (d) Police and Firefighter rules and provisions shall supplement, in relation to their respective departments, these Rules and Regulations.
- (e) Employees in the classified service in the City of Clearwater Fire and Police Departments shall abide by any requirements regarding residency or prohibited tobacco usage as provided by the respective collective bargaining agreements, including any implementation dates and/or grandfather clauses.