



CITY OF JACKSONVILLE, FLORIDA

CIVIL SERVICE

AND

PERSONNEL

RULES AND REGULATIONS

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GENERAL PROVISIONS

.01 SCOPE AND PURPOSE:

These Rules set forth the policies and procedures for the establishment, maintenance and administration of the Civil Service and Personnel Rules and Regulations, pertaining to Civil Service positions and employees within the consolidated City of Jacksonville, herein called "City," as authorized by the City Charter and the Jacksonville Ordinance Code. Unless a contrary provision is negotiated as part of a collective bargaining agreement, the Civil Service and Personnel Rules and Regulations shall govern.

.02 STATEMENT OF POLICY:

The City, through the personnel function, establishes the Personnel Policy of the City by these Civil Service and Personnel Rules and Regulations, including the classification of positions, qualifications for employment and promotions, certifications for employment, demotions, transfers, separations, layoffs, dismissals, compensation, and discipline under which all Civil Service employees and/or potential Civil Service employees will be governed, without regard to race, color, age, marital status, disability, religion, political affiliation, gender, national origin or any circumstance other than merit, qualifications, and lawful compliance with these Rules, City ordinances and state and federal laws. The City's policy shall be to make personnel decisions that result in the best qualified work force to conduct City activities and functions.

.03 IMPLEMENTATION:

Once adopted in accordance with the provisions of the City Charter, these Rules shall constitute the Civil Service and Personnel Rules and Regulations governing those positions and personnel under Civil Service. The Civil Service and Personnel Rules and Regulations consist of, but are not limited to, the following rules:

1. Position (Job) Classification
2. Compensation
3. Recruitment
4. Application and Examination
5. Eligibility Lists
6. Appointments, Status and Transfers
7. Separations and Layoffs
8. Attendance and Leave
9. Disciplinary Actions, Grievances, and Appeals
10. Personnel and Related Programs, Records and Reports
11. Political Activities, Standards of Conduct, and Authorized Activities.

.04 DUTIES AND RESPONSIBILITIES:

The duties and responsibilities indicated in these Rules as applicable to the Head of Human Resources are the responsibilities included in the Charter or ordinance code relative to the personnel function. The Head of Human Resources may, by written delegation, delegate the authority indicated in these Rules, which may include delegation of authority to a department or agency head to administer provisions of the Civil Service and Personnel Rules and Regulations, unless specifically authorized or required by ordinance or state statute to be performed by the Head of Human Resources or other department or agency head. Any delegation as provided in this paragraph may be rescinded by the Head of Human Resources. The Head of Human Resources may issue written interpretations to clarify the intent or application of any provision of these Rules. The responsibilities included in these Rules relative to the department head refer to department directors under the Mayor and department directors under constitutional officers, or to the constitutional officer if no departments are included in the organization. Except where stated, an agency head, without being relieved of responsibilities, may delegate agency head responsibilities, but no lower in the organizational structure than an equivalent level of a department head defined above. Such delegation shall be in writing with a copy furnished to the Head of Human Resources.

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Authority: Article 17, City Charter; The rules and regulations were amended to reflect changes to the ADA.
History: Revised 1/17/85, 12/8/88, 3/1/95

Rule 1

POSITION (JOB) CLASSIFICATION

RULE 1

1.01 STATEMENT OF POLICY:

- (1) The Head of Human Resources shall adopt, alter, amend, or modify in total or in part the position (job) classification plan for the City including specifications for each position under Civil Service and shall be responsible for the overall coordination, review and maintenance of the plan in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules. The plan shall consist of, but not be limited to:
 - (a) Authorized classes of positions with written job specifications for such classes;
 - (b) The classification of each position to its proper class;
 - (c) The classification of positions to a class which has been approved as part of the classification plan;
 - (d) A listing of authorized classes and amendments thereto.
- (2) Each class shall be defined by a class specification, assigned to an appropriate pay grade, class code, and class title. No position shall be filled, unless it has been authorized by appropriate authority and classified by the Head of Human Resources to a class within the classification plan. No position shall be classified within the classification plan until a review of the authority, duties, and responsibilities concerned has been completed.

1.02 ADMINISTRATION OF THE PLAN:

- (1) Each department or agency is responsible for maintaining the integrity of the position (job) classification plan by assuring that employees are performing duties and responsibilities at the level within their respective classes or notifying, as provided in this part, the Head of Human Resources of any substantial change due to reorganization or for other reasons. The Head of Human Resources is responsible for the proper and continuous maintenance of the position (job) classification plan.
- (2) The responsibilities of the Head of Human Resources shall be:
 - (a) Establishment of a uniform classification plan;
 - (b) Overall coordination, review and maintenance of the classification plan;

Rule 1

- (c) Adoption of new classes and the revision or abolishment of existing classes;
- (d) Periodic studies, reviews or surveys to assure the classification plan is current and uniform;
- (e) Development of forms to be used by all departments or agencies in describing assigned duties, supervisory relationships, authorities, special skills required, and other information necessary to determine the proper classification of each position. The submission of forms and other related information shall be in accordance with procedures issued by the Head of Human Resources;
- (f) Pre and/or post-audits of positions to determine that they are properly classified.

1.03 CLASS SPECIFICATIONS:

- (1) Classes shall be adopted, revised or abolished by the Head of Human Resources as necessary for the current maintenance of the Classification plan and such changes shall be reflected in the class specifications.
- (2) Each class specification shall include:
 - (a) **Class Title:** The official title given to the class.
 - (b) **Kind of Work:** Statements as to the kind of work and level of responsibility the class encompasses.
 - (c) **Examples of Work:** Statements of specific tasks and responsibilities which may be required of positions classified to the class but are not restrictive as to being included or excluded.
 - (d) **Knowledge Skills, & Abilities:** Statements of the knowledge, skills and abilities needed to satisfactorily perform the work in the class.
 - (e) **Requirements for Competitive Classes and Entrance Requirements for Noncompetitive Classes:** Statements of the kinds and amounts of training, experience and/or qualifications that are normally required of the class.
 - (f) **Class Code:** The official class code given to the class.
 - (g) **Approval and any Revision Dates:** A listing of the original approval date and the approval dates of any revisions.

Rule 1

- (h) For those classes which are approved by the Head of Human Resources as having a specific **Line of Promotion**, promotional eligibility requirements will be contained in the class specification.
- (3) Interpretation and use of class specifications shall include the following provisions:
- (a) The class specifications are mainly descriptive and not restrictive, except as to the minimum qualification requirements specified therein. The inclusion of particular expressions of characteristics or examples of duties shall not exclude others of similar kind and quality.
 - (b) Any employee may be required by competent authority to perform any of the duties described in the class specification, and any duties which are of similar kind and quality, and any duties of lower classes in the same occupational series or in other series which have similar characteristics, without any reduction in pay or grade, unless or until the position is reclassified. When an employee is temporarily assigned to duties outside of the class specification for the position occupied by the employee, the appointing authority shall notify the employee of the time such assignment is to be made. If the assignment is for more than five (5) working days, such notification shall be in writing, indicating the anticipated duration of the assignment with a copy to the Head of Human Resources. If the assignment is to a higher level class and will be for a duration of twenty (20) days or more, such assignment shall be made from the internal eligibility recruitment list, if in existence, and will be given to the top name on the list within the department. Any such temporary assignment in excess of thirty (30) calendar days shall require approval of the Head of Human Resources.
 - (c) In determining the class to which a position should be allocated, each class specification shall be considered as a whole, giving consideration to the general characteristics, specific examples of duties, responsibilities, education and experience requirements, knowledge, skills and abilities and relationships with other classes.
- (4) Notification of proposed new or revised specifications, with a copy of current specifications or notification of abolishment of classes, shall be furnished to all utilizing departments or agencies and the appropriate employee organization for review and comment. Such notification shall be furnished to the appropriate employee organization at least ten (10) days prior to approval of the new or revised specification, unless concurrence is received prior to the end of the ten (10) day period. Any objection received within the ten (10) day period will be reviewed in accordance with procedures adopted by the Head of Human Resources which shall include a provision for a meeting with the Head of Human Resources or his/her designee.

Rule 1

- (5) After approval, a copy of the revised specification(s) shall be forwarded to the utilizing department or agency, the appropriate employee organization, and the Civil Service Board.
- (6) The requirements for a class shall be job-related and reflect those requirements an individual would need in order to satisfactorily perform the duties concerned upon entry into the class. The following shall be considered in establishing such requirements:
 - (a) Training and experience requirements shall be structured, where possible, to facilitate the progression of employees from lower to higher or lateral levels of work without artificial barriers;
 - (b) Training and experience requirements shall state specific kinds and amounts of qualifying experience and/or education required for an applicant to be eligible for a class. Formal education with no substitution of experience shall not be approved, unless it can be clearly demonstrated that such education is the only practical means of obtaining the knowledge and skills necessary to perform the work of a position. Likewise, formal education will be allowed to substitute for experience on a year-for-year basis, unless experience is the only practical means of obtaining the knowledge and skill necessary to perform the work of a position;
 - (c) Training and experience requirements shall only include occupational qualifications essential for satisfactory work performance;
 - (d) Training and experience requirements shall not include statements related to conduct or reputation of applicants unless required by law;
 - (e) Training and experience requirements shall not be determined by the level of pay desired;
 - (f) Special requirements may be included where required by law or when it can be clearly demonstrated that such requirements are necessary for satisfactory job performance.
- (7) The probationary period for the employees in positions assigned to any class shall be six (6) months, unless a different probationary period is specifically stated in the class specifications.
- (8) The following shall be determined by the Head of Human Resources for each Civil Service class of positions:
 - (a) The class title;
 - (b) The effective date;

Rule 1

- (c) The assigned pay grade;
- (d) The designation as competitive or noncompetitive for examination purposes. Noncompetitive classes are generally labor intensive and require no examination. Such classes will be designated by having entrance requirements in the class specification;
- (e) The designation of each class as either exempt or nonexempt from the overtime provisions of the Fair Labor Standards Act;
- (f) The class code;
- (g) The Equal Employment Opportunity (EEO) category;
- (h) The proposed collective bargaining unit designation.

1.04 POSITION DESCRIPTIONS:

- (1) The employing department or agency shall maintain a current position description for all authorized positions, prepared in accordance with this section. The position description shall include an accurate description of the authority, duties and responsibilities normally assigned to the position and any other pertinent information concerning the position. The current position description shall serve as the official record of the authority, duties and responsibilities assigned to the position and shall be used to classify the position.
- (2) Whenever a significant change is made in the duties and responsibilities of a position involving either the addition of a new assignment or the taking away or modification of existing assignments, such changes shall be reported to the Head of Human Resources by the department or agency head concerned by a current position description no later than thirty (30) calendar days after the duties were changed. Employees occupying such position(s) shall receive a copy of the report.
- (3) Each position description shall be completed in accordance with instructions issued by the Head of Human Resources and signed by the immediate supervisor and an administrative official to certify as to the accuracy of the duties and responsibilities assigned to the position.
- (4) The position description shall include the formal written position description form as well as any and all pertinent information attached to the form for position classification purposes.
- (5) All originals of position descriptions shall be filed in City Human Resources.
- (6) Position descriptions will be used for determining the class to which a position is to be classified.

Rule 1

1.05 POSITION CLASSIFICATION AND RECLASSIFICATION:

- (1) The Head of Human Resources shall have the responsibility to classify new positions authorized in the budget; to classify positions that are reallocated in lieu of positions deleted from the budget; and to reclassify currently authorized positions.
- (2) Classification and reclassification of positions shall be to classes within the classification plan or new classes adopted by the Head of Human Resources.
- (3) Any classification or reclassification requested by a department or agency head shall be initiated by preparation of a current position description.
 - (a) If a budget authorization is required to effect a classification or reclassification, no classification or reclassification will be effected until the required authorization has been obtained.
 - (b) If the adoption of a new or revised class is requested, the department or agency head shall furnish to the Head of Human Resources, in addition to a current position description, any other material which would justify the authorization of the new or revised class.
- (4) The Head of Human Resources shall notify the department or agency head of the action taken on the requested classification or reclassification, along with the date such action is effective, prior to any personnel actions being taken on such position.
- (5) The status of an incumbent upon reclassification of a position shall be in accordance with the following:
 - (a) When a position is reclassified to another class at the same salary level, the incumbent shall be entitled to a reassignment appointment with the same status as held in the former class provided the employee meets the training and experience requirements for the new class.
 - (b) When a position is reclassified to a class with a higher salary level, the incumbent, meeting the minimum qualifications of the reclassified position, shall be afforded the opportunity, along with other eligible employees, if any, to take any examination given for such position where there is no eligibility list for the reclassified position. In such cases, the incumbent may be promoted provisionally to such position until the subsequent eligibility list is certified or for six (6) months, whichever is sooner. If there is an existing eligibility list for the reclassified position, a special examination shall be held for such incumbent and the incumbent shall, upon passing such examination, have the right to be placed on said existing eligibility list, unless the incumbent

Rule 1

had previously taken the examination for the existing list. An incumbent who is unsuccessful at such examination or where no examination is given shall be subject to the layoff provisions.

- (c) When a position is reclassified to a class with a lower salary level, the incumbent shall be entitled to a reassignment to a vacant position in the same class or in a comparable class at the same level, provided the employee meets the training and experience requirements, without change in status. In the event that such reassignment cannot be effected within sixty (60) days, the incumbent shall be demoted to the lower class, or at the incumbent's option, laid off subject to the provisions of the layoff rule.
- (6) The classification or reclassification of any position shall be subject to a post-audit review by the Head of Human Resources to determine the accuracy of the classification actions. If it is determined by the Head of Human Resources that the authority, duties and responsibilities officially assigned the position are not in accordance with the concepts and allocation factors contained in the class specification issued by the Head of Human Resources, a classification correction may be issued by the Head of Human Resources, if such correction is made within six (6) months from the effective date the position was classified.
- (7) When a position is classified or reclassified, the pay for the employee filling the position shall be in accordance with Rule 2, Compensation, unless otherwise provided by the provisions of a ratified collective bargaining agreement.

1.06 USE OF CLASS TITLES:

Official class titles and class codes shall be used on all personnel and payroll records, in reports, and in the preparation of budgets unless a variation is approved by the Head of Human Resources.

1.07 ORGANIZATIONAL CHARTS:

Organizational charts must be submitted. Procedures shall be established by the Head of Human Resources for their submission and approval. Such charts must show all budgeted positions within the organization as classified by the personnel function and must reflect supervisory and reporting relationships. Designation of a class as being immediately below in rank to that of an appointed or election official or as serving as immediate assistant to the same must be approved by the Head of Human Resources and annotated by the personnel on the approved organizational chart. Copies of approved organizational charts shall be forwarded to the Civil Service Board.

Rule 1

1.08 BRINGING POSITIONS UNDER THE CLASSIFIED SERVICE:

When the provisions of the City Charter are changed or when the City through ordinance or state statute assumes responsibility of an additional function, any such position, as a result of these actions, to be placed under the Civil Service shall be classified and any incumbent employee appointed in accordance with procedures established by the Head of Human Resources.

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Authority: Sections 17.03, 17.05, 17.06, City Charter;
History: Revised 7/1/82, 1/17/85, 12/8/88, 3/1/95

Rule 2

COMPENSATION

RULE 2

2.01 STATEMENT OF POLICY:

- (1) Pay plans shall consist of the approved assignment of pay ranges to classes, the salary schedules of the pay ranges, and the policies and procedures to be utilized in paying employees placed in positions classified by the Head of Human Resources.
- (2) Salary schedules of pay ranges shall consist of pay grades with minimum and maximum rates being established for all pay ranges.
- (3) An employee's base rate shall not be in excess of the maximum rate of the pay range for the class to which the position occupied by the employee is assigned.
- (4) It is the policy of the City to pay a fair and equitable salary based on the responsibility of the position within the City and upon the performance of the individual occupying that position.
- (5) This rule shall be consistent with public policy and shall be within allocated financial resources and in accordance with procedures established by the appropriating authority and shall be administered in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

2.02 ESTABLISHING AND MAINTAINING ANNIVERSARY DATES:

Each employee's anniversary date for pay purposes shall be established twelve (12) calendar months, to the date, following either an initial/original appointment, a reinstatement appointment, or a promotional appointment (except on a provisional basis). An employee's anniversary date shall be changed, in accordance with the following:

- (1) When an employee with permanent status is promoted and subsequently demoted prior to attaining permanent status in the higher class, the employee's anniversary date shall revert to the same date as that established prior to the promotion.
- (2) When an employee is absent without pay for one (1) day or a total of eight (8) hours accumulated as applicable, the anniversary date shall be advanced in accordance with procedures established by the Head of Human Resources for adjusting employment dates.

Rule 2

- (3) When an employee is granted a probationary increase during or at the end of the probationary period, the anniversary date shall be changed to one (1) calendar year from the effective date of such raise.
- (4) The Head of Human Resources shall determine whether an employee's anniversary date will be adjusted in circumstances other than those listed above.

2.03 PAY UPON REASSIGNMENT:

The pay of an employee who is reassigned shall be established at the rate which most closely approximates the employee's salary prior to reassignment.

2.04 PAY UPON REINSTATEMENT FROM A REEMPLOYMENT LIST:

The rate of pay for an employee who is reinstated from a reemployment list shall be determined by the appointing authority. This rate may be established up to the rate at which the employee was being paid just prior to separation, plus any general adjustment made in the pay range while the employee was separated from City service.

2.05 PAY UPON REINSTATEMENT FROM A LAYOFF LIST:

An employee who is reinstated from a layoff/demotion or layoff/reemployment list may be paid up to the rate at which he or she was being paid just prior to being demoted or laid off, plus any general adjustment made in the pay range while the employee was in a demoted class or laid off.

2.06 DUAL EMPLOYMENT AND COMPENSATION:

- (1) No employee may be employed either within or outside city government, performing any duties that are in violation of the Code of Ethics for Public Officers and Employees, Florida Statutes.
- (2) No employee shall be compensated by another employer for work performed during those working hours for which the employee is scheduled to be performing duties for the City.
- (3) Unless recommended by a department or agency head and approved by the Head of Human Resources, no employee shall be employed or compensated by more than one department or agency of the City.
- (4) Unless recommended by a department or agency head and approved by the Head of Human Resources, no employee shall fill more than the equivalent of one full-time position, or secure compensation simultaneously from two different appropriations.

Rule 2

2.07 HONORARIA:

- (1) An honorarium is defined as an honorary payment for services rendered by an employee to any organization or employer other than the department or agency within the City where employed but not regular salaries or wages.
- (2) An employee shall be eligible to receive an honorarium if:
 - (a) The department or agency head has granted prior approval for the employee to perform the services for which the honorarium is to be paid; and
 - (b) The employee is required to use annual, vacation, compensatory leave, or leave without pay to cover all absences from duty, including travel time, for the period during which services are being rendered; and
 - (c) Preparation for the services to be rendered is not accomplished during the employee's normal working hours, and no City facilities, personnel, or equipment are used; and
 - (d) No travel expenses or per diem are paid by the City; and
 - (e) Rendering of the services in no way interferes or is in conflict with the employee's regularly assigned duties and responsibilities.
- (3) A report of all payments of honoraria shall be made to the City Treasurer within seven (7) days of receipt thereof.
- (4) An employee of a department or agency who renders services to another department or agency within the City shall not be paid an honorarium for such services, except when required by law to be paid an honorarium. In such cases, the employee's salary shall be reduced by an amount equal to the honorarium received, unless payment of both salary and honorarium is approved by the Head of Human Resources and the appropriate budgeting review authority, or unless the employee is on approved annual or vacation leave. A department or agency may lend the services of an employee to another department or agency for a period not to exceed two (2) work weeks without requiring the using agency to reimburse the employee's department or agency for the services rendered. Unless approved by the Head of Human Resources and the appropriate budgeting review authority and reimbursed by the using agency, no employee shall render services for a period in excess of two (2) work weeks to a department or agency other than the one by which employed.

Rule 2

2.08 SPECIAL ASSIGNMENT:

When an employee volunteers for and accepts a special assignment that does not constitute a separate classification on a full or part time basis not to exceed one year, the employee shall continue to be paid at the appropriate pay rate for his/her classification. Such special assignments may include but are not limited to such purposes as: training others, being trained, representing the City in civic activities, and participating in quality improvement teams.

2.09 EFFECTIVE DATE OF SALARY CHANGES:

- (1) The effective date of all salary changes provided for in these Rules shall be:
 - (a) The date specified by the department or agency head provided, however, no effective date shall be prior to the beginning of the pay period in which the change was approved by the department or agency head, Head of Human Resources and appropriate budgeting review committee or authority.
 - (b) The date approved by the Head of Human Resources when any other salary changes are approved.
- (2) When the effective date of a salary change has been determined in accordance with this section, the employee shall be paid the old rate of pay for each day in the pay period prior to the effective date of the salary change, and the new rate shall be paid beginning the effective date of the change.

2.10 PAYROLL CORRECTION:

A payroll correction shall be made by a department or agency head to provide the salary increase or decrease to be effective the date of eligibility of the employee for the pay change if processed within two (2) pay periods following the pay period in which the employee's salary was to be changed. If not processed within two (2) pay periods, the Head of Human Resources will, upon request of a department or agency head, determine the action to be taken.

Rule 2

2.11 LIMITATIONS:

- (1) **Budgetary Limitations:**
 - (a) All provisions of these Rules related to salaries are contingent upon funds being available.
 - (b) Any deviation from paying employees in accordance with the provisions of these Rules because of budgetary limitations must be approved by the Head of Human Resources.
- (2) Other Limitations: An employee's base salary shall not exceed the maximum of the pay range for the class.

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Authority: Sections 17.03, 17.05, 17.06, City Charter; Chapter 106, 116 and 129, Ordinance Code; Chapter 112, Part III, F.S.
History: Revised 7/1/82, 1/17/85, 12/8/88, 4/23/90, 3/1/95, 10/1/10

Rule 3

RECRUITMENT

RULE 3

3.01 STATEMENT OF POLICY:

- (1) Recruiting efforts to fill vacancies in the City shall be the responsibility of the Head of Human Resources. However, in those instances where the Head of Human Resources determines it to be more effective and/or economical to conduct recruiting on a specialized basis, such recruiting may be carried out in conjunction with the employing unit. All recruiting shall be in compliance with these Rules.
- (2) Recruiting shall be designed to reach all segments of the population.
- (3) Applicants for positions shall be recruited on the basis of the training and experience requirements established for the class to which the position(s) is assigned in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.
- (4) The recruiting program shall be carried out in a manner that assures open competition and provides for the opportunity to meet affirmative action goals by the employing agencies in accordance with Equal Employment Opportunity and other applicable laws.
- (5) The Head of Human Resources shall develop, initiate and maintain a Recruiting Public Awareness Program with local education and training institutions and the general public as to the current and projected skill and manpower needs of the City.
- (6) Applications for announced vacancies shall be directly accepted by Recruiting and Examining, unless a different procedure is approved by the Head of Human Resources.
- (7) All recruiting literature shall contain the phrase "An Equal Opportunity/Affirmative Action Employer."
- (8) Recruiting programs may include but are not limited to:
 - (a) Establishment of a recruitment program with universities, colleges, and technical and vocational schools;
 - (b) Electronic media advertisement;
 - (c) Local or national advertisement of current vacancies through newspapers and professional publications;

Rule 3

- (d) Establishment of a recruiting program with organizations with a substantial membership of minorities, women, disabled, or other groups that are under- represented in the City's work force.

3.02 USE OF PRIVATE AND/OR STATE EMPLOYMENT AGENCIES:

The services of licensed private or state employment agencies may be utilized by the Head of Human Resources for recruitment for professional or technical level positions provided:

- (1) No active registers of eligible applicants are on file with the personnel function;
- (2) Recruiting efforts have been unable to produce qualified applicants;
- (3) That no fee or charges for services rendered shall be paid by the personnel function or by the employing department or agency without approval of the Head of Human Resources;
- (4) When the services of a licensed private or state employment agency are needed, the agency head shall notify and secure approval from the Head of Human Resources, after furnishing certification from the employment agency that its services are provided on a nondiscriminatory basis in compliance with these Rules.

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Authority: Section 17.01, City Charter;
History: Revised 1/17/85, 12/8/88, 4/23/90, 3/1/95

Rule 4

APPLICATION AND EXAMINATION

RULE 4

4.01 STATEMENT OF POLICY:

- (1) Applicants will apply for positions through Human Resources, unless approval is obtained from the Head of Human Resources by a department or agency head for specialized recruiting and selection procedures.
- (2) Application and referral procedures for noncompetitive classes will be determined by the Head of Human Resources.
- (3) Application and examination procedures to be utilized for competitive classes will be determined by the Head of Human Resources in consultation with representatives from the affected department or agency.
- (4) All selection procedures shall comply with principles outlined in the Federal Uniform Guidelines on Employee Selection Procedures and all other applicable laws and ordinances and in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.
- (5) The Head of Human Resources shall establish written procedures to safeguard the integrity and security of selection procedures, and it shall be his/her responsibility to ensure compliance with such procedures. Failure to comply with the established security procedures shall constitute a violation of Civil Service and Personnel Rules and Regulations.
- (6) Any delegation of authority made by the Head of Human Resources to any department, division or agency, pursuant to these Rules, and the application of such authority, shall comply with the applicable provisions of these Civil Service and Personnel Rules and Regulations.
- (7) Each department or agency head shall ensure that positions are filled in a manner consistent with the intent of these Rules.

4.02 APPLICATION:

- (1) **Application for Examinations:**
 - (a) **External Examinations** - The Head of Human Resources shall give public notice of all external examinations at least five (5) working days in advance of the closing date for receiving applications for the examination. Applications for examinations and referrals may be accepted on a periodic or continuous basis.

Rule 4

- (b) **Internal Examinations** - It shall be the responsibility of Human Resources to post the notice and requirements for the position and applications in the most efficient manner to ensure that each individual in the line of promotion [Priority 1] has access to the posting of a scheduled internal examination at least ten (10) working days prior to the closing date for that examination; or when all eligible employees have applied or waived in writing.
 - (c) An internal or external examination may be administered at any time after the close date when the examination date is posted on the announcement. When no examination date is posted, the examination can't be given for five (5) calendar days from the closing date.
 - (d) A City employee must have at least twelve (12) months' satisfactory service in his/her present position immediately prior to the examination date to apply, unless otherwise mutually agreed upon between the department head and the employee, and with the approval of the Head of Human Resources. Qualifications for Internal Recruitment shall be determined as follows:
 - 1. **Priority 1** - Permanent employees in the promotionally eligible class(es) within the City or JEA or Duval County School Board.
 - 2. **Priority 2** - All other City employees within the department who meet the open requirements.
 - (e) If the Head of Human Resources determines that internal recruitment may not generate a sufficient pool of qualified candidates, he/she may direct an external recruitment simultaneous with, or following, the internal advertisement. Such external recruitment shall include public notice of the position(s) to be filled for a minimum of five (5) working days during which time applications will be accepted.
 - (f) The Head of Human Resources may direct continuous recruitment for specified positions when he/she determines it is in the best interest of the service. Such decisions shall be reviewed annually.
- (2) **Filling Vacancies:**
- (a) **By External Recruitment:**
 - 1. When a position is advertised to the public, applications will be accepted by the Recruiting Section of Human Resources for a minimum of five (5) working days. Eligibility will be determined based on the eligibility requirements identified in the class specification.

Rule 4

2. Pre-employment screenings may be utilized to assist in determining qualified applicants.
3. In addition to the pre-employment screenings, qualified applicants may be further evaluated utilizing a Civil Service examination and/or the City's matrix evaluation procedure, which includes the interview process.
4. Veterans' Preference and EEO/AA goals shall be applied in accordance with applicable laws.
5. When the aforementioned steps have been completed, prior to making a final decision, a post-offer physical must be given to employees entering a Civil Service classification.
6. When deemed appropriate by the Head of Human Resources, additional recruitment avenues may be utilized.

(b) By Internal Recruitment:

1. Temporary employees may be automatically appointed to Civil Service positions on the basis of seniority, qualification, and performance for those entry level classes authorized by the Head of Human Resources and identified in the class specification as noncompetitive.
2. A vacant position will be advertised internally. Qualified permanent City employees seeking promotion may apply for the position during the advertisement period.
3. City employees may not apply under Priority 2 for positions requiring a certification from an outside agency, unless deemed appropriate by the Head of Human Resources.
4. Examinations of Priority 2 candidates shall be graded and sealed and shall be opened only when the Priority 1 eligibility list has been exhausted or depleted. Priority 2 examinations that remain sealed at the end of ninety (90) days will be voided.
5. Veterans' preference and EEO/AA goals shall be applied in accordance with applicable laws.
6. When the aforementioned steps have been completed, prior to making a final decision, a post-offer physical may be given to employees entering a Civil Service classification.

Rule 4

7. If the vacancy cannot be filled by internal means, the position will be advertised to the public in a manner deemed appropriate by the Head of Human Resources.

(3) **Qualification of Applicants:**

- (a) Applicants must furnish acceptable evidence of meeting requirements (i.e., copies of college transcripts from an accredited institution, certificates, diplomas, etc.) upon application for each position, unless an extension is granted by the Head of Human Resources. An employment application must be signed by the applicant and the truth of all statements contained therein shall be certified by the applicant's signature. Age requirements shall apply to the applicant's age as of the date of the examination. Upon request by the applicant, the Head of Human Resources may determine that an applicant's qualifications are equivalent to the training and experience required for a class.
- (b) Applicants who can show evidence of completion of education or license requirements but who are awaiting a formal degree from an accredited institution, certificate, or diploma, shall have their applications accepted. Such documentation (formal degree from an accredited institution, certification, diploma, etc.) must be produced prior to employment in the class.
- (c) Internal examinations shall be administered only to City Employees who meet the requirements listed in the class specifications in accordance with provisions established in Rule 4.02(1)(d) 1 and 2.
- (d) Internal applicants with Civil Service Status who have been reassigned without change in status may receive credit for time served in the former class, for the purpose of determining eligibility to participate in the internal examination, if determined by the Head of Human Resources at the time of reassignment in accordance with Rule 6.02(5)(c). For cases in which no determination was made at the time of reassignment, the Head of Human Resources will make such determination at the time of determining the candidate's eligibility.
- (e) Employees will only be eligible to participate in internal examinations for classes having higher salary ranges than that of their present class, unless approval is obtained from the Head of Human Resources. The employee's name shall be placed on the internal eligibility list in rank order along with the names of the other examinees. Appointments of such employees shall be made in accordance with Rule 5.

Rule 4

(4) Disqualification of Applicants:

- (a) The Head of Human Resources may reject the application of a person, may refuse to grade the test paper of an examinee, or may remove or refuse to certify a candidate's name from an eligibility list if it is found by the Head of Human Resources that the person:
1. Lacks any of the established requirements as listed in the class specifications;
 2. Has made a false statement of material fact in the employment application or on the medical certificate;
 3. Is physically unable to perform the required duties of the class as evidenced by:
 - a. Not being able to adequately describe or demonstrate how he/she will perform the duties; and/or
 - b. A physical agility test; or
 - c. A statement from the applicant's physician that the applicant cannot safely perform the agility test;⁵
 4. Is addicted to the use of alcohol or other drugs to the extent that performance of job duties is impaired;
 5. Has been convicted of a felony or first degree misdemeanor directly related to the position sought. ⁵
 6. Has been dismissed within the previous year from a position in the City service for cause or has resigned while charges for dismissal for cause were pending;
 7. Has received information regarding the examination to which applicants are not entitled;
 8. Has used or attempted to use political influence or bribery to gain an advantage in securing employment.

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Note:

If the test is administered prior to making a job offer to assure that the test will not harm the applicants, the employer can request each applicant's physician to respond to a very restricted inquiry which describes the specific agility test and asks "Can this person safely perform this test?"

Rule 4

9. If an employee whose conduct at any time during the previous twelve (12) months has been unsatisfactory and has resulted in written discipline (not including oral or written counseling) which was accepted by the employee or confirmed by the Civil Service Board or the collective bargaining process.
- (b) Applications will not be accepted after the closing date, unless approval is obtained from the Head of Human Resources.
 - (c) Applications may be disapproved by the candidate's department or agency head for the reasons stated below:
 1. If the employee has documented unsatisfactory service during the twelve (12) months immediately prior to the examination date, his/her internal application may be disapproved. If such an employee is recommended for participation in the internal examination, the department head shall furnish written justification with the recommendation.
 2. If an applicant was promoted to the class for which the internal examination is being held and subsequently demoted to his/her present classification, his/her internal application may be disapproved. Such demotion must have been within the twelve-month period prior to the closing date of the examination.

It shall be the responsibility of the department or agency head to notify the applicant of this disapproval and the applicant's right to file a grievance in accordance with (d) below.

An applicant may be granted approval by the Head of Human Resources to participate in the examination, pending final decision on such grievance by the Civil Service Board. The examination paper of such applicant shall be sealed and shall not be graded, unless approved by the Civil Service Board.

- (d) A permanent Civil Service employee who alleges that the Civil Service and Personnel Rules and Regulations have been violated in the rejection of an application may file such grievance with the Civil Service Board.

4.03 EXAMINATION:

(1) Types of Examination:

- (a) Competitive examinations may be assembled or unassembled or a combination of the two:

Rule 4

1. Competitive, unassembled examinations will be evaluations of education, training and experience.
2. Competitive, assembled examinations may include, but are not limited to, written examinations, performance examinations, assessment centers, physical agility tests, or performance tests.
3. The Head of Human Resources may authorize the automatic establishment of an eligibility list when the number of internal eligibles is equal to or less than the number of vacancies in a particular class. Under this provision, the names of eligibles will appear on the register with a score of seventy (70). Employees who waive their rights to an internal examination will not be counted as eligibles for the purpose of determining whether this provision is applicable. Under this provision, Rule 4.02(1)(b) shall not apply.

(2) **Examination Administration:**

- (a) The Head of Human Resources shall determine the date, time, and location for the administration of examinations. The Head of Human Resources may request that the affected department or agency provide monitors for assistance in examination administration.
- (b) For examinations involving subjective scoring procedures, where practicable, steps shall be taken to conceal the identity of examinees from persons scoring the examinations.
- (c) For examinations involving the administration of typing and/or dictation performance examinations, the performance examination(s) will not be required if one the following criteria is met by applicants:
 - (1) the present classification possesses the same proficiency requirement as the examination;
 - (2) an evaluation rated as full/satisfactory or higher for the proficiency area required is certified by the recommending department at the time of application;
 - (3) a certification of satisfactory completion of requirements from an authorized agency.
- (d) Once an examination has been held, no applicant shall be given a special examination, except when needed as a reasonable accommodation for an applicant with a disability or when an employee's military leave has prevented participation in an examination.

Employees who return from military leave of absence will be allowed to request a make-up exam and to receive their study material. They must provide a copy of their DD-214 or other military orders providing release from military duty. They will be allowed the same amount of

Rule 4

time to study as the original group that took the exam with the clock beginning after their request.

- (e) Candidates may be given information concerning the subjects and/or reading materials upon which examinations are to be based, provided that all candidates are furnished this information in the same manner.
- (f) The Head of Human Resources may void or declare invalid an examination or any part of an examination if it is found by the Head of Human Resources that the examination is not job-related, that established security procedures were violated during the examination process, that an examinee or examinees received an unfair advantage on the examination, or for any other cause determined by the Head of Human Resources to be in accordance with these Rules or any applicable law.
- (g) Prior to conducting assessment center-type examinations, written rules governing their administration shall be issued by the Head of Human Resources in conformance with these Rules.

(3) **Examination Scoring:**

The Head of Human Resources shall determine a score for each examinee computed in accordance with the weights assigned to the various parts of the examination. Failure on one part of an examination may be considered sufficient for failure of the entire examination or disqualification of the applicant for subsequent parts of the examination. The passing grade for examinations shall be seventy (70%) percent except when the Head of Human Resources certifies that the seventy (70%) percent passing score results in an adverse impact (as defined by the Federal Uniform Guidelines on Employee Selection Procedures) on any federally-protected class. A new, validated passing score shall be established using psychometrically sound procedures that are in accordance with the Federal Uniform Guidelines on Employee Selection Procedures.

- (a) **Seniority Credit:** to the passing scores of examinees on an internal examination, except for Priority 2 candidates and employees covered by the International Association of Firefighters, an additional:
 - 1. One (1) point shall be added for each year of continuous service in the class(es) immediately below the class within the class series for which the examination has been held, up to a maximum of five (5) points; and
 - 2. One half (1/2) point shall be added for each year of continuous service in classes identified in the class series of the class for which the internal examination has been held, up to a maximum of five (5) points;

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3. And for employees covered by the International Association of Firefighters only:
 - a. To the passing scores of candidates on internal examinations, one half (1/2) point shall be added for each year of continuous service in the Fire and Rescue Department, up to a maximum of five (5) points.
 - b. To the passing scores of candidates on internal examinations, an additional one half (1/2) point shall be added for each continuous year in the class or position immediately below the class for which the promotional exam is given, up to a maximum of five (5) points.
 - 1) Provided, however, no such credit will be given when an internal examination is held for any class of employment which is directly above the entrance level.
 - 2) The entrance level shall be construed as the lowest entrance level at which the employees or any portion thereof participating in such internal examination entered the service of the Fire and Rescue Department.
4. Civil Service examinees who have been reassigned without a change in status to their present class or to a class in line of promotion to their present class, may receive seniority credit for time in the former class(es), if stipulated by the Head of Human Resources at the time of reassignment. For cases in which no determination was made at the time of reassignment, the Head of Human Resources will make such determination at the time of determining the examinee's seniority credit, using the same criteria that would have been used at the time of reassignment.
5. Seniority Credit will not be given for:
 - a. Connected broken service.
 - b. Service of Priority 2 candidates participating in an internal examination.

(b) **Veterans' Preference:**

Veterans' preference shall be granted in accordance with Florida Statutes 250 and 295 as may be amended.

All applicants claiming veterans' preference shall be required to notify Human Resources, request veterans' preference, and provide evidence of their

Rule 4

eligibility at the time that the request for veterans' preference is made. Failure by a hiring agency to comply with the provisions of these Rules may result in penalties as prescribed by law.

(c) **Notice of Examination Results:**

After an examination, the Head of Human Resources shall notify examinees of their examination results.

(4) **Examination Review and Grading:**

Human Resources will permit Priority 1 examinees to vote whether or not an examination review/protest hearing will be held. Unless a majority vote in favor of an examination review/ protest hearing, examinees will select two (2) representatives to serve on the Examination Grading Committee, as applicable.

When a majority of examinees have voted in favor of the examination review/ protest hearing, they shall select two (2) representatives to serve on the Protest Hearing and Examination Grading Committees, as applicable.

The Protest Hearing and/or Examination Grading Committees shall consist of the Human Resources Examiner as the fifth member who administered the examination, two (2) members of the Examination Development Committee, and the two (2) committee representatives selected by the examinees. These representatives shall be employees of the City, familiar with the duties of the position for which the examination is being conducted, at or above the level of the position for which the examination is being conducted, and not be members of the immediate family of an examinee as defined in these Rules. For Corrections employees covered by the Fraternal Order of Police, Lodge 5-30 only, the fifth member of a Protest Hearing Committee shall be any appointed JSO Corrections Department personnel at or above the rank of assistant chief chosen by the majority of the two (2) members of the Examination Development Committee and the two (2) committee representatives.

(a) The internal examination's review/protest hearing process is as follows:

1. Examinees will be permitted to review examination items and responses during the time periods as follows:
 - a. For examinations with fifty (50) or fewer examinees, for five (5) working days immediately following examination administration.
 - b. For examinations with more than fifty (50) examinees, for ten (10) working days immediately following examination administration.

Examinees must file, in writing, any protests concerning examination items and responses, during this time period.

Rule 4

2. Following the review period, the Protest Hearing Committee shall review and vote on any contested items. The Examiner shall not vote, except in case of a tie. The decision of the committee concerning the contested questions shall be final and not grievable.
- (b) Internal examination papers may be graded by the Examination Grading Committee following the administration of an exam or after the examination's review/protest hearing process is completed.
 - (c) Examinees may review a copy of their completed (graded and unsealed) examination papers, along with the examination questions and answer sheets, by appointment. A manifest error in the scoring of an examination shall be corrected, but such correction shall not invalidate any certification or appointment previously made, unless the employee appointed from the eligibility list established by the examination is still serving in the probationary period for that promotion. Disputes concerning examination items shall be reviewed in accordance with procedures established by the Head of Human Resources.
 - (d) In the event that a written examination is part of a selection process, and used as a pass/fail screening device for inclusion in an additional selection process, the examinees may review a copy of their completed (graded) examination papers, along with the examination questions and answer sheet, by appointment. On the date of the written exam, Examining will notify the examinees as to the starting and ending date of this special review process. There shall be no remedy for any error found on the written examination after this review period.
 - (e) When an examination is used to screen examinees eligible for the final phase of a selection process, the period during which the examination papers can be reviewed shall be limited to a time specified by the Head of Human Resources. This special review will be done by appointment and sufficient time will be allotted for all candidates to have the opportunity to review the graded papers. This special review period shall constitute the only opportunity to challenge manifest errors on the written examination; and when used, the remedies described in Rule 4.03(4)(a) do not apply.

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Authority: Sections 17.01, 17.03, 17.04, 17.05, 17.06 City Charter; : Chapters 119, F.S.
History: Revised 7/1/82, 3/8/84, 1/17/85, 7/16/87, 12/8/88, 4/23/90, 3/1/95, 10/1/10

Rule 5

ELIGIBILITY LISTS

RULE 5

5.01 STATEMENT OF POLICY:

- (1) Eligibility lists shall be maintained by the Head of Human Resources in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.
- (2) Placement on eligibility lists shall be based on qualifying in accordance with Rules 4.02 and 4.03 of these Rules. However, eligibility lists may be established without examination in accordance with Rule 7 (Separations and Layoffs).
- (3) When an eligibility list for a class is not available, the Head of Human Resources may determine an appropriate eligibility list to be used in lieu of said list, unless otherwise provided by these Rules.
- (4) The Head of Human Resources may delegate direct hiring authority to establish eligibility lists to departments and agencies with demonstrated capabilities.
- (5) Employees with provisional status cannot continue in such status beyond thirty (30) calendar days after the establishment of an eligibility list, unless an extension is requested in writing by the agency or department head and approved by the Head of Human Resources.

5.02 ESTABLISHMENT AND USE OF ELIGIBILITY LISTS:

- (1) The following types of eligibility lists shall be established and maintained by the Head of Human Resources:
 - (a) **Internal Recruitment Priority 1:** Eligibility lists of permanent employees in the promotionally-eligible class(es) within the City from which promotional appointments may be made. Eligibles shall be ranked by final score or rating and seniority points.
 - (b) **Internal Recruitment Priority 2:** Eligibility lists of City employees within the department who meet the open requirements and for positions in the JEA only, St. Johns River Power Park employees who meet the open requirements and who have worked a minimum of 1,820 hours in the twelve (12) month period immediately preceding the examination date. Eligibles shall be ranked by final score or rating only.
 - (c) **External Recruitment:** Eligibility lists which may be used for making original appointments. Eligibles are determined by a pass/fail examination and listed in random order. The order of selection from the randomized eligibility list is not prescribed by these Rules.

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- (d) **Layoff/Demotion:** Eligibility lists which shall be used for reinstatement appointments in the same class within the competitive area of former employees who were laid off or demoted. Eligibles are listed in classification date order in accordance with Rule 7.03.
 - (e) **Priority Reemployment:** Eligibility lists of permanent employees who have separated or were reassigned due to disability and who are determined to be capable of returning to their former or lower level positions. Eligibles are listed in random order. The order of selection from the randomized eligibility list is not prescribed by these Rules.
 - (f) **Layoff Reemployment:** Eligibility lists which may be used for reinstatement appointments to comparable or lower level classes citywide of former permanent employees who were laid off or demoted. Eligibles are listed in random order. The order of selection from the randomized eligibility list is not prescribed by these Rules.
 - (g) **Reemployment:** Eligibility lists of permanent employees who have resigned from Civil Service who request to be placed on lists for the class from which separated or lower level classes in the same class series. Eligibles are listed in random order. The order of selection from the randomized eligibility list is not prescribed by these Rules.
- (2) The life of a non-continuous recruitment external, Layoff/ Demotion, Priority Reemployment, and Layoff Reemployment eligibility list shall normally be for one (1) year, unless extended, exhausted, or declared depleted by the Head of Human Resources.
 - (3) The life of an Internal Recruitment Priority 1 Eligibility List shall be for two (2) years, unless extended, exhausted, or declared depleted by the Head of Human Resources.
 - (4) The life of an Internal Recruitment Priority 2 Eligibility List shall be for ninety (90) calendar days, unless extended, exhausted, or declared depleted by the Head of Human Resources. After the initial ninety (90) calendar day period, the list may be converted to an unranked external list which may be utilized by any department for an additional period of two hundred seventy five (275) calendar days.
 - (5) Eligibility lists shall be effective on the date that they are approved by the Head of Human Resources.
 - (6) The Head of Human Resources shall establish written procedures for notifying eligibles whose names have been removed from an eligibility list either for cause as defined in Rule 5.03 or where the list has been declared to be depleted.

Rule 5

- (7) The Head of Human Resources may place a class on continuous recruitment when there is a continuing need for applicants due to high turnover rates, specialized qualifying requirements, a large number of positions in the class, and/or other reasons deemed appropriate by the Head of Human Resources. Continuous recruitment examinations shall be scheduled on a recurring basis at intervals that may vary from class to class. When a class is placed on continuous recruitment, the original approved external recruitment eligibility list shall be amended if new candidates are to be added. The Head of Human Resources shall establish written procedures for the manner in which eligibles are added to an eligibility list subject to continuous recruitment.
- (8) **External Recruitment Eligibility List:**
 - (a) When an external recruitment eligibility list has been determined by the Head of Human Resources to be inadequate for the filling of vacancies, the Head of Human Resources shall announce another examination to replenish the existing eligibility list for the class. The names of the persons on the original list shall remain on that list until the list expires or until removed in accordance with Rule 5.03 below. In this situation, the expiration date of the eligibility list shall remain the same.
 - (b) When an external recruitment eligibility list has been determined by the Head of Human Resources to have been depleted, the Head of Human Resources shall announce another examination to establish a new eligibility list for the class. The eligibles remaining on the list shall be notified in writing of the depletion of said eligible list and advised to apply for the new examination to extend their eligibility.
- (9) Permanent employees who have been laid off or demoted due to reduction in force shall have their names placed on the appropriate layoff lists in accordance with Rule 7.
- (10) Any permanent employee who has resigned from Civil Service may request to have his/her name placed on reemployment lists of the class from which separated and lower level classes in the same class series, provided such request is made in writing to the Head of Human Resources within six (6) months of the effective date of the separation. If approved, the employee's name shall remain on the list for no longer than one year beyond the effective date of the separation.
- (11) Any permanent employee who has separated due to disability and who is later determined to be capable of returning to the former or a lower level position may request to have his/her name placed on Priority Reemployment lists of the class from which separated and lower level classes in the same class series. Such request must be made in writing to the Head of Human Resources within six months of the determination by the City's Medical Review Officer that the employee is capable of returning to work. If approved, the employee's name shall remain on the lists for no longer than one year beyond the date the employee's name is placed on the lists.

Rule 5

- (12) Appointments shall be made from appropriate eligibility lists in the following order:
 1. Layoff/Demotion
 2. Priority Reemployment [Disability]
 3. Layoff Reemployment
 4. Internal Priority 1
 5. Internal Priority 2
 6. External, Reemployment [Resignation]
- (13) Priority 1 internal eligibility lists shall be prepared on a citywide basis, excluding Duval County School Board and JEA.
- (14) Priority 2 internal eligibility lists shall be prepared on a department or Duval County School Board or JEA basis.
- (15) An external eligibility list to fill a vacancy for an external appointment shall be submitted to the appropriate department.
- (16) An internal eligibility list [Priority 1 or 2] to fill a vacancy shall be submitted to the appropriate department which shall select the top name on the eligibility list, except as provided in paragraph 17 below. The entire internal Priority 1 list must be exhausted before accessing an internal Priority 2 or external eligibility list.
- (17) When filling a vacant position which has been designated by the Head of Human Resources as being immediately below in rank to that of an appointed or elected official, or positions which serve as immediate assistants to appointed or elected officials, or for all managerial and confidential positions as defined in the Florida Statute 447, the top three (3) names on the internal eligibility list shall be certified to the appointing authority; if only two (2) names remain on the internal eligibility list, both names shall be certified; if there is only one (1) name remaining on the internal eligibility list and no additional employees have become eligible since the last examination, or if only one (1) employee is eligible to fill the vacancy on a promotional basis, an external examination may be administered. In a department or agency that does not have appointed positions in rank immediately below an elected official, such class must be so designated and approved by the Head of Human Resources prior to the requested internal examination. When an employee is not selected he or she must be provided a written statement telling them why they were not selected.
- (18) Appointments shall continue to be made from an eligibility list until the names of all eligible persons have been removed, all eligible persons remaining have waived their rights to the appointment, or the list has expired.
- (19) Demotion and reinstatement appointments shall be made from eligibility lists in accordance with Rule 6.

Rule 5

5.03 REMOVAL OF NAMES FROM ELIGIBILITY LISTS:

- (1) The Head of Human Resources may remove a name from an eligibility list for any of the following reasons:
 - (a) When a person is appointed from an eligibility list to a vacant position in the class for which the list was established.
 - (b) When two (2) offers of appointment to the class for which the list was established have been declined/waived.
 - (c) If the person's current mailing address cannot be determined or if the person fails to respond to a request for an interview within five (5) working days from the date a written notice was mailed.
 - (d) On receipt of a statement from the eligible person stating that consideration for a position in that class is no longer desired.
 - (e) If the person falsifies records used in determination of eligibility.
 - (f) When reinstated from a layoff list, a person's name shall be removed from all layoff lists for lower level classes.
 - (g) If the person is physically unable to perform the required duties of the class as evidenced by a conditional-employment-offer medical examination. Such a decision shall be based on job-related criteria, consistent with business necessity and a determination that the person cannot perform the essential functions of the position with or without a reasonable accommodation.
 - (h) If the person poses a direct threat of harm to his/her own health or safety, or to the health or safety of others, based on a valid conditional-employment-offer, medical analysis, or other objective evidence related to the person.
 - (i) If the individual has a disability recognized under the ADA, and the risk cannot be reduced below the level of direct threat by a reasonable accommodation.
 - (j) For any causes determined by the Head of Human Resources to be consistent with these Rules or mandated by any applicable law or regulation.

Rule 5

- (k) If an employee whose conduct at any time during the previous twelve (12) months has been unsatisfactory and has resulted in final/ permanent discipline, suspension or reduction in pay (not including oral or written counseling or written reprimand) which was accepted by the employee or confirmed by the Civil Service Board or the collective bargaining process; provided, however, that such removal shall not extend beyond twelve (12) months or the expiration of the list whichever occurs first.
- (l) When an employee is demoted or reassigned for reasons other than a reduction in force to a classification outside the class series for which the eligibility list was established.
- (m) When an employee resigns, is terminated for cause or abandons their position.

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Authority: Sections 17.01, 17.03, 17.04, 17.05, 17.06 City Charter.
History: Revised 7/1/82, 1/7/85, 12/8/88, 4/23/90, 3/1/95, 10/1/10

Rule 6

APPOINTMENTS, STATUS AND TRANSFERS

RULE 6

6.01 STATEMENT OF POLICY:

- (1) Appointments shall be made only to positions that have been classified in accordance with the provisions of Rule 1 of these Civil Service and Personnel Rules and Regulations. See "Types of Appointments" under "Definitions."
- (2) Employment in the City shall be by one of the following types of appointments:
 - (a) Original
 - (b) Promotion
 - (c) Demotion
 - (d) Reinstatement
 - (e) Reassignment
 - (f) Reversion
- (3) Upon any appointment to a classified position under Civil Service, an employee shall be given a status as follows:
 - (a) Provisional
 - (b) Probationary
 - (c) Permanent
- (4) When the title of a class is changed as a result of a classification action, and it is designated by the Head of Human Resources as a title change only, the incumbent employee shall retain the same status as held under the old class title.
- (5) An employee shall not attain permanent status in a class until appointed in accordance with the provisions of these Rules and the employee has completed the required probationary period in that class.
- (6) All employment decisions shall be based upon job-relatedness and shall comply with principles outlined in the Federal Uniform Guidelines on Employee Selection Procedures and all other applicable laws, ordinances and regulations and in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

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- (7) Nothing in these Rules shall be construed to obligate a department or agency to fill any vacant position.

6.02 APPOINTMENTS:

(1) **Original Appointments:**

An original appointment to classified service may be made from either an internal or external eligibility list.

(2) **Promotion Appointments:**

An employee shall be given a promotion appointment when the employee meets the requirements and is moved from a position in one Civil Service class to a position in another Civil Service class having a greater degree of responsibility and a higher pay range.

(3) **Demotion Appointments:**

(a) An employee shall be given a demotion appointment when the employee is moved from a position in one Civil Service class to a position in another Civil Service class having a lesser degree of responsibility and a lower pay range.

(b) A demotion appointment will be one of the following types:

1. Demotion for Cause - made in accordance with Rule 9.
2. Reduction in Force Demotion - made in accordance with Rule 7 (Separations and Layoffs) or Rule 1.05(5)(c).
3. Voluntary Demotion - a demotion upon request or agreed to by an employee with permanent status provided the following requirements are met:
 - a. The request or agreement is made in writing.
 - b. Approval is obtained from the department or agency head and the Head of Human Resources.
 - c. If the demotion includes a transfer of the employee from one agency to another, the receiving agency must be willing to accept the employee.

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4. Reversion Demotion - a demotion resulting from failure of an employee with permanent status to satisfactorily complete a probationary period or from a reversion of another employee.
- (c) With the approval of the Head of Human Resources an employee who has attained permanent status may be demoted with or without examination to a position in a competitive or noncompetitive class for which the employee meets the training and experience requirements.
 - (d) A demotion appointment may be with permanent or probationary status, with the recommendation of the department or agency head and the approval of the Head of Human Resources; however, an employee demoted within the class series and in the competitive area due to reduction in force or an employee experiencing a reversion demotion shall in all cases be given permanent status.
 - (e) An employee with permanent status in a class may be demoted for cause only as provided in Rule 9.
 - (f) If a demotion for cause or a reversion demotion will result in displacement of a permanent employee, the layoff rule shall apply.
 - (g) Demotion appointments shall be made taking into consideration such elements as class series, existing eligibility lists, job performance, length of service, education, training, experience, physical requirements, essential functions of the job, appropriate accommodation and organizational needs.
- (4) **Reinstatement Appointments:**
- (a) The filling of a vacant position with a present or former Civil Service employee who previously held permanent status in the classified service shall constitute a reinstatement appointment. Reinstatement appointments shall be made under one of the following conditions:
 1. Employees who were laid off or demoted in accordance with Rule 7 shall be reinstated from the appropriate layoff lists.
 2. Employees exercising layoff/reemployment rights shall be given reinstatement appointments, if no layoff/demotion or priority reemployment lists exist for the class in which the vacancy occurs.
 - (b) A reinstatement appointment shall be made with permanent or probationary status at the discretion of the department or agency head, except that reinstatement from a layoff/demotion list shall be made with permanent status.

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(5) **Reassignment Appointments:**

- (a) Reassignment appointments shall be made when:
 - 1. An employee is moved from one position in a class to a different position in the same class, either within or outside the employee's department or agency.
 - 2. An employee is moved from a position in one class to a position in a comparable class, provided the employee meets the training, experience and physical requirements for that comparable class or if the employee has a disability and he/she can perform the essential functions with or without reasonable accommodation and would not pose a threat to health or safety to herself/himself or the public.
- (b) A Reassignment appointment to a position outside the department or agency or to a comparable class must have the approval of the Head of Human Resources.
- (c) If an employee holds, or has previously held, permanent status in a position in the class to which reassigned, the appointment shall be with permanent status. If the employee holds permanent status in his or her present class and is being reassigned to a comparable class for which he or she has not held permanent status, the appointment may be with probationary or permanent status with recommendation by the department or agency head and upon approval of the Head of Human Resources, except as provided in Rule 1.05(5)(a).
- (d) Except in accordance with Rule 1.05(5)(a), a probationary employee may only be reassigned to another position in the same class and will continue his or her probationary period in the new position, except for extraordinary circumstances approved by the Head of Human Resources.
- (e) Reassignment appointments shall be made taking into consideration such elements as class series, existing eligibility lists, job performance, length of service, education, training, experience, physical requirements, essential functions of the job, appropriate accommodation and organizational needs.

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6.03 STATUS:

(1) Probationary Status:

- (a) An employee appointed from an internal or external eligibility list to fill a classified position in a competitive class shall be given probationary status.
- (b) An employee appointed to fill a classified position in a noncompetitive class shall be given probationary status after the determination has been made by the Head of Human Resources that the education, training and experience requirements for the class have been met.
- (c) Probationary status may also be given upon demotion, reinstatement, or reassignment appointment in accordance with these Rules.
- (d) An employee shall normally be required to serve with probationary status for six (6) months, unless a different probationary period is designated in the class specification. If the employee's overall performance has been evaluated as below satisfactory, the probationary period may be extended up to three (3) additional months by the department head and up to an additional three (3) months with the approval of the Head of Human Resources. However, no probationary period shall exceed or be extended to exceed one (1) year.
- (e) An employee shall be considered to have satisfactory service, unless documentation of unsatisfactory service has been made a part of the employee's official personnel file or the employee fails to meet the license/certification requirements as published in the class specification. When permitted by law, an employee may be given a maximum of ninety (90) days to meet the license/certification requirements; provided further, that no probationary period shall exceed or be extended to exceed one (1) year.
- (f) An employee serving in a class with probationary status may be separated from the class at any time and for any reason which would justify discipline under Rule 9 without the right to appeal to the Civil Service Board, regardless of whether the employee has been evaluated, so long as the reason for separation is documented. An undocumented separation is grievable in accordance with Addendum 1. A probationary employee who believes he/she has been stigmatized by his/her dismissal may receive a Name-Clearing Hearing from the Head of Human Resources upon written request submitted within ten (10) calendar days of the dismissal. The name of an employee who has been terminated or who has resigned during original probation may be replaced on the eligible list from which hired, if such list is still in existence and the Head of Human Resources determines such action to be in the best interest of the service. However, the applicant shall

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not be certified again from that list to the unit from which separated, unless specifically requested by the affected unit.

- (g) A permanent employee who has been promoted from a Civil Service classification to the next higher classification as a Priority 1 candidate will retain permanent status in the lower level class. If the employee does not satisfactorily complete the probationary period he/she shall revert to a position in his/her former class from which promoted. If no position in the former class exists at the time of reversion, the layoff rule shall apply.
- (h) Authorized and/or unauthorized absence without pay shall not count toward completion of an employee's probationary period.

(2) **Permanent Status:**

- (a) An employee shall attain permanent status in a class upon satisfactory completion of the required probationary period.
- (b) Once an employee has attained permanent status in any class, said employee is considered to have permanent status throughout the period of continuous employment in the Civil Service.

(3) **Provisional Status:**

- (a) An individual appointed to fill a Civil Service position shall be given provisional status, not to exceed six (6) calendar months, unless extended by the Head of Human Resources, when:
 - 1. The appointment is to a competitive class; and
 - 2. There are no eligibility lists available for the class; and
 - 3. The individual meets the requirements for the class; and
 - 4. An examination request for the class has been received by the Head of Human Resources.
- (b) Provisional appointments may not continue beyond thirty (30) calendar days after establishment of an eligibility list for the class, unless an extension is requested by the agency or department head and approved by the Head of Human Resources.

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6.04 TRANSFERS:

- (1) A transfer is defined as the moving of an employee from one department or agency to another.
- (2) Transfers shall be made in conjunction with one of the types of appointments prescribed in these Rules.
- (3) Any transfer, except transfers that have been approved by the mutual agreement of the department or agency and the affected employee, shall be based upon operational needs of the receiving department or agency and shall require approval by the Head of Human Resources.

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Authority: Sections 17.01, 17.03, 17.04, 17.05, 17.06, City Charter.
History: Revised 7/1/82, 1/17/85, 12/8/88, 4/23/90, 3/1/95, 10/1/10

Rule 7

SEPARATIONS AND LAYOFFS

RULE 7

7.01 STATEMENT OF POLICY:

- (1) Employees shall be separated or laid off in accordance with the provisions of this section and in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.
- (2) No employee, department head or other person shall use duress, coercion, threats or force in order to obtain a resignation or cause abandonment of a position by an employee.

7.02 SEPARATIONS:

(1) Resignation:

- (a) An employee who resigns shall present such resignation in writing to the department or agency head or their designee and such written resignation shall be accepted in writing. If an employee resigns orally and does not submit a written resignation, the department or agency head or his/her designee shall finalize the resignation by submitting a written acceptance to the employee within two (2) working days of such oral resignation. While the written acceptance letter should be given to the employee where practical, mailing the letter to the employee's last known address shall serve as official notification.
- (b) An employee may, by written statement to the department head concerned, withdraw a resignation prior to its being accepted in writing by the department head or his/her designee. Once accepted in writing, a resignation is final.
- (c) Former employees with permanent status at the time of resignation shall, upon written request and approval of the Head of Human Resources, have their names placed on the appropriate reemployment lists provided such requests are received in writing by the Head of Human Resources within six (6) months of the effective date of the resignation. Persons whose names are certified from the reemployment list can only be certified for positions for which a lay-off/demotion list does not exist.
- (d) Upon written request approved by the Head of Human Resources, the name of an employee who resigns during the original probationary period may be restored to the eligibility list from which appointed, if still in existence, provided such request is made within six (6) months of the effective date of resignation. However, the name of the applicant shall not again be certified from that eligibility list to the department

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from which separated, unless specifically requested by the department concerned.

(2) **Abandonment of Position:**

- (a) An employee who is absent without notice to the appointing authority for three (3) consecutive working days shall be deemed to have abandoned his/her position and to have resigned as of the end of the third day. The appointing authority shall make a reasonable effort to contact the employee or the employee's emergency contact once during the three working day period of absence.
- (b) An employee who has been deemed to have resigned pursuant to (a) above shall be given written notice of such action by the department or agency head through certified mail, return receipt requested, and by regular mail. The notice shall include a statement as to the employee's right to petition the Head of Human Resources in accordance with (c) below.
- (c) An employee who has been deemed to have resigned under this section may petition the Head of Human Resources for a review of the case, provided the petition is made in writing within seven (7) calendar days from the date of receipt of such notice pursuant to (b) above, or, if not delivered, from the first date the post office attempted delivery of such notification. The written petition must include a detailed explanation of any extenuating circumstances concerning the delay in submission of the petition. If it is determined that extenuating circumstances existed which prevented the employee from making a petition during the seven (7) day period, the Head of Human Resources, within his/her sole discretion, may accept the petition after the seven (7) days have elapsed. The Head of Human Resources shall make a determination as to whether the actions of the department or agency were in compliance with the provisions of (a) and (b) above and may, in extraordinary cases, find extenuating circumstances to relieve the employee from the provisions of (a) and (b) above and find that the employee had not resigned his/her position. The decision of the Head of Human Resources shall be rendered within five (5) working days after receipt of the petition, unless:
 - 1. Additional time is required for research, in which case the employee will be notified in writing of the need for delay; or
 - 2. The time period is extended by mutual agreement of the Head of Human Resources and petitioning employee.
- (d) Persons who abandon their positions shall not be entitled to the provisions of (1)(c) or (1)(d) above. This provision shall not prohibit an employee from being employed at a later date as a new employee.

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(3) **Termination During Original Probationary Period:**

- (a) An employee without permanent Civil Service status who is terminated during the original probationary period shall not have the right to appeal such termination to the Civil Service Board.
- (b) A probationary employee who believes he/she has been stigmatized by his/her dismissal may receive a Name-Clearing Hearing from the Head of Human Resources upon written request submitted within ten (10) calendar days of dismissal.
- (c) The name of an employee who has been terminated during the original probationary period may, upon written request of the employee, be restored to the eligibility list from which hired if such eligibility list is in existence and the Head of Human Resources determines such action to be in the best interest of the service. However, the name of the applicant shall not, again, be certified from that eligibility list to the unit from which terminated, unless specifically requested by the department concerned.

(4) **Medical Examination and Separation Due to Disability:**

- (a) An employee may be required to undergo a job-related medical examination by the City's Medical Review Officer, if there is evidence of a job performance or safety problem or if it is necessary to determine whether an individual in demanding jobs continues to be fit for duty. For good cause, an employee may be required to undergo a physical and/or psychiatric examination in order to determine the employee's ability to perform the duties of the position concerned. The cost thereof shall be paid by the department or agency concerned. A copy of the medical report or results of a medical inquiry shall be made part of the official personnel file of the employee, but shall be maintained in a separate medical file and treated as a confidential medical report.
- (b) An employee may be separated due to disability, if, in the opinion of the City's Medical Review Officer, based on the medical information supplied by the physician's examination or report, it is determined that the employee is unable to perform the essential functions of the job and/or poses a direct threat to health and safety and the City determines that:
 - 1. There is no reasonable accommodation which will allow the employee to perform the essential functions of the job or to reduce or eliminate the direct threat to health or safety; and

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2. The City determines that there is no other position available for which the employee is qualified and can perform the essential functions with or without reasonable accommodation.
- (c) Prior to a separation due to disability, the Head of Human Resources may direct a reassignment or demotion, as necessary, to place the affected employee into a position for which he/she is qualified and can perform the essential functions, with or without reasonable accommodation.
- (d) Any employee with permanent Civil Service status who is separated due to disability and is later determined capable of returning to his/her former position, or lower level position, may petition the Head of Human Resources for placement on a Priority Reemployment List in accordance with Rule 5.02(11).
- (e) Physicians' statements shall be reviewed by City Human Resources and/or the Medical Review Officer for evidence of disability.
- (f) Separation for disability must be authorized by the Head of Human Resources, whose decision shall be final and not subject to review by the Civil Service Board.

(5) **Dismissal:**

Employees may be dismissed only in accordance with the provisions of Rules 9.04 and 9.05.

7.03 LAYOFFS:

- (1) Layoff is defined as a reduction in force which may result in the termination of employee(s) due to abolishment of position(s) necessitated by a shortage of funds or work, a need to increase efficiency, or a material change in the duties or organizational unit.
- (2) Prior to layoff, the Head of Human Resources may direct reassignments or demotions as necessary to place employees into vacant positions for which they are qualified, rather than lay them off. Such reassignments or demotions shall take into consideration such elements as class series, existing eligibility lists, job performance, length of service, education, training, experience, physical requirements, essential functions of the job, appropriate accommodation and organizational needs.
- (3) Classification seniority is used to determine the order of layoff. Classification seniority is determined by the date an employee entered his/her current classification.

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- (4) An employee who has written discipline, dated within two (2) years of the layoff date, filed in the employee's official personnel file and accepted by the employee, or imposed by Arbitration or the Civil Service Board, will have six (6) months of satisfactory service deducted from his/her classification seniority.

Note: For JEA the date of hire within JEA versus classification seniority is used to determine the order of lay off in all instances mentioned in Section 7.03 (Layoffs)

(5) **Order of Layoff:**

- (a) Temporary workers shall be separated prior to the layoff of any probationary or permanent Civil Service employee performing comparable work within the same competitive area.
- (b) Within the competitive area in a given classification affected by layoff, the order of layoff of employees shall be as follows:
1. Probationary employees: the order of layoff shall be at the discretion of the department.
 2. Permanent Civil Service employees: the most junior employee within the classification using the most recent classification date shall be laid off first.
 3. In the case of a tie among employees with equal length of service in the affected classification, any employee who qualifies for veterans' preference shall be retained over an employee who does not qualify for veterans' preference. Where ties continue to exist after application of veterans' preference, order of layoff shall be determined by a public drawing held by the Head of Human Resources, or his/her designee, with one (1) work day notice to the involved certified union.

(6) **Out-of-Order Layoff:**

- (a) Upon a showing by the department that the operating needs of an employing unit require such action, the Head of Human Resources may authorize an exception to the normal order of layoff and the retention in active employment of any employee who has some critically necessary special experience, training or skill.
- (b) A written request for an out-of-order layoff, signed by the department head, shall be accompanied by documentation that shows that the employee who would be retained over the more senior employee was recruited specifically for his or her special experience, training or skill; or

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has been specially trained by the employing unit to fulfill a critical business need of his or her position.

- (c) In addition, a request for an out-of-order layoff must include compelling evidence that the more senior employee does not possess the special experience, training or skill required to perform the work of the position and could not be expected to satisfactorily perform the work of the position within a reasonable period of time.
- (d) The senior employee has three (3) working days to challenge the exception to the normal order of layoff by submitting to Human Resources documentation of specialized experience, training or skill to fulfill the critical business needs.

(7) **Procedure for Layoff:**

- (a) The department director shall recommend to the Head of Human Resources a competitive area and number of the position(s), by classification, affected by the layoff and the effective date of layoff. The Head of Human Resources shall determine the competitive area by taking into consideration the similarity of work, the organizational unit, and the funding source involved. The Head of Human Resources will then provide the department director with the competitive area and the order of layoff for the affected classification(s) within fifteen (15) working days or as soon as practical.
- (b) The order of layoff will show each affected employee's classification date of hire or promotion, as applicable, as determined by the Head of Human Resources. The department or division shall notify each affected employee of his/her promotion/hire date. Affected employees have one (1) work day to challenge the date. The department or division shall notify the Head of Human Resources if any employee's relative position on the order of layoff is challenged by the employee within two (2) working days of receipt of the order of layoff list.
- (c) Upon finalization of the order of layoff, a department director or designee will officially notify in writing an affected employee that his or her position is being abolished or unfunded and he or she is subject to layoff on the effective date of such action.
- (d) Where Civil Service employment is terminated by layoff, when possible, thirty (30) calendar days notice shall be given to the affected employee(s). However, at least ten (10) calendar days notice shall be given unless:

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1. Delaying the layoff would cause the employing unit to exceed its revenue for personnel services for the affected work program; or
 2. The layoff is one of a number of layoffs and delaying the layoff would cause serious financial detriment to the City; or
 3. The layoff is caused by fire, storm damage, earthquake, destruction of property, civil strife, or any other such event that could not reasonably have been foreseen, or by peremptory state or federal legislation.
- (e) Upon receiving formal notification of layoff, the affected employee(s) shall, within three (3) working days, notify Human Resources and the appointing authority specifying his or her irrevocable selection of one of the following options insofar as the option is available:
1. Accept layoff with placement of the employee's name on a layoff/demotion list for the classification from which he/she was laid off; or
 2. Within the competitive area, an employee who has more seniority based upon his/her classification date who is laid off or is displaced may demote and displace the most junior employee based upon that employee's classification date in the next lower classification in the same classification series.
 - a. An employee who was not hired into a lower level classification in the class series may use their classification date in their current classification as the classification date in any lower classification within the class series.
 - b. When an employee demotes to a lower level classification within the class series for which he/she previously held status, the classification date shall be changed to the original classification date that the employee held in that lower classification within the class series, and used to determine layoff order.
- (f) Failure of the employee to notify Human Resources and the appointing authority or designee within three (3) working days shall be construed as a resignation unless another time limit is approved by the Head of Human Resources.

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- (g) The department or division representative may give an affected employee informal notification before a proposed action is finalized that the action may result in the employee's layoff. The employee is not obligated to select an option as provided in Rule 7.03 (7)(e) until he or she receives formal notification of layoff. An employee who has received informal notification shall be eligible to participate in any formal referral program(s).

(8) **Establishment of Layoff/Demotion Lists:**

- (a) Human Resources shall create and maintain a layoff/demotion list using the classification seniority date as established during the initial layoff, whenever, a department requests that a job be filled, Human Resources must verify that there are no eligible permanent Civil Service employees on the layoff/demotion list.
- (b) The names of permanent Civil Service employees who have been laid off or who have been demoted in lieu of layoff shall be placed on a layoff/demotion list for the same class(es) and for the competitive area from which laid off or demoted. With the approval of the Head of Human Resources another department may at their discretion use a layoff/demotion list to hire a laid-off employee.
- (c) Refusal to accept permanent work from a layoff/demotion list shall terminate all rights granted under this rule.

(9) **Establishment of Layoff/Reemployment Lists:**

- (a) At the time of layoff, Human Resources will provide an opportunity for permanent Civil Service employees to request placement on a layoff/reemployment list pursuant to Rule 5.02(1)(f).
- (b) Permanent Civil Service employees must provide documentation indicating that they meet the open requirements for the requested classification.
- (c) Anyone on a layoff/reemployment list who becomes a permanent Civil Service employee in a comparable class in another department shall lose reinstatement rights in their former department.

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Authority: Section 17.03, 17.05, 17.06, City Charter.
History: Revised 7/1/82, 1/17/85, 12/8/88, 3/1/95, 10/1/10

Rule 8

ATTENDANCE AND LEAVE

RULE 8

8.01 STATEMENT OF POLICY:

- (1) The work day for all full-time employees shall be eight (8) hours and the work week of all full-time employees shall be forty (40) hours during a given continuous seven (7) day period, unless a specific variation of such work day or work week is approved by the Head of Human Resources.
- (2) Department heads should arrange the employment and work program of units in such a way that overtime is not required, except in emergency situations. Emergency situations are defined as:
 - (a) Where an established duty site must be covered twenty four (24) hours per day and an employee is not available to cover that site on a given shift.
 - (b) When danger to the life, health, or well-being of the public, employees, patients, inmates, or other persons could occur if an employee is not required to be on duty or where danger to property is imminent.
 - (c) Other situations where the department head determines the direct or indirect responsibilities prescribed for the department cannot be reasonably planned in advance and not accomplished unless overtime work is authorized. In such cases, a department or agency head or his/her authorized designee may prescribe reasonable periods of overtime in order to meet operational needs.
- (3) The granting of any leave of absence with or without pay shall be in writing and shall be approved by the authorized supervisor within the department prior to the leave being taken, except when due to employee emergency and the employee cannot obtain approval prior to the leave being taken. When prior approval has not been obtained by an employee, the department or agency head may grant the employee leave with pay, provided the employee has sufficient appropriate leave credits to cover the absence, or shall take action in accordance with Rule 7.02 or 8.06, as applicable.
- (4) Approval of a leave of absence with or without pay shall be consistent with the operational requirements of the City.
- (5) Record keeping of an employee's attendance and leave shall be the responsibility of the department.

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- (6) All attendance and leave policies shall be administered in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

8.02 RECORD KEEPING:

- (1) Each department or agency is required to keep an accurate record of all hours worked by each employee, as well as a complete and accurate record of all authorized and unauthorized leave.
- (2) The ultimate responsibility for the accuracy and proper maintenance of all attendance and leave records rests with the department head.
- (3) Falsification of any attendance or leave records shall be cause for dismissal of the employee or employees involved.
- (4) All medical information will remain confidential and not subject to disclosure to the general public in accordance with the Florida Public Records Law. All medical information will be maintained separately from the employee's permanent personnel records in City Human Resources.

8.03 CONTINUOUS AND CREDITABLE SERVICE:

- (1) Continuous service shall be defined as employment which is creditable and without a break in service. Continuous service as defined in this section shall have no effect upon or be related to provisions of the requirements in city, county or state retirement system(s). Transfer from one department to another department of the City shall not constitute a break in service, provided there is no break involving a work day, unless such time off is covered by an approved leave with or without pay between the last day on the job of the separating department and the first day on the job of the receiving department. Authorized leaves-of-absence with or without pay shall not constitute breaks in service. A break due to employee layoff shall not be considered a break in service, provided the employee is reemployed within one (1) year following layoff or is reinstated from a layoff list which was established because of the circumstances which caused the break to occur.
- (2) Creditable service is defined as service during which an employee is on the payroll in a position authorized by the City Council, or other appropriate budgetary authority, and is being paid from salary funds.
- (3) Time connections approved by the Head of Human Resources or his/her designee shall be treated as continuous and creditable service for service (longevity) raises and leave accrual purposes, but not for seniority purposes or promotional eligibility. However, no retroactive payment shall be made as a result of approved time connections.

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8.04 LIMITED EMERGENCY:

- (1) A limited emergency shall be defined as the situation which occurs when a public building or a portion of the building has been damaged, destroyed, or otherwise rendered unhealthy or unsafe, due to fire, water, loss of heating, air conditioning or electrical power, or other events or conditions which prevent, or substantially prevent, the performance of duties by employees.
- (2) The Mayor, President of the Council, Chief Judge, Sheriff, Supervisor of Elections, Clerk of the Court, Property Appraiser, Tax Collector and Chief Administrative Official of any independent agency are authorized to declare a limited emergency for offices or work locations of employees under their jurisdictions.
- (3) When a limited emergency is declared, the authorized official listed above shall ensure that a notice listing the duration and reasons for the limited emergency is posted as soon as possible at the applicable work locations. This notice shall remain posted throughout the duration of the limited emergency and a copy of the notice shall be delivered as soon as possible to the applicable Chief Administrative Officer(s) of the affected office(s). The required written notice is not to be considered a prerequisite to the declaration of a limited emergency or the taking of any needed emergency action.
- (4) The authorized official may take any reasonable action, as soon as possible, to correct or alleviate the limited emergency conditions, provided such action is in accordance with applicable emergency procedures and within the existing financial constraints of the applicable governmental agency. Emergency action shall include, but not be limited to, temporary closing of the building or work location, temporary reassignment of employees to alternate work locations, temporary absence of some or all employees, temporary or permanent repair of facilities, rental or purchase of substitute or replacement equipment, and short term rental of alternate facilities.
- (5) Employees who are released from duty due to the existence of a limited emergency shall not be charged leave for such absence. Employees who are on prior approved leave, scheduled holiday, unauthorized leave without pay, or who call in to request leave during the emergency shall be charged for such leave.
- (6) Employees who are authorized to and remain at work in a location where a limited emergency has been declared shall be entitled to receive compensatory leave credits for time worked after the limited emergency is declared.

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8.05 MILITARY LEAVE:

- (1) An employee who is drafted, who volunteers for active military service, or who is ordered to active duty shall be granted leave without pay in accordance with the provisions of federal law. Military service includes active duty with any branch of the Armed Forces of the United States, Coast Guard of the United States, National Guard, or other service as provided by Florida Statutes. Leaves of absence for military purposes shall be verified by the appropriate military certification or official orders, a copy of which shall be filed in the employee's official personnel file.
- (2) The employee on the earliest possible date will notify the Head of Human Resources of the desire and ability to return to employment and produce evidence of an honorable release from military service.
- (3) If the employee volunteers for an additional tour of military duty, the employee's right to return to the position shall be in accordance with applicable law.

8.06 ABSENCE WITHOUT PAY:

- (1) Upon request by an employee, a department head may grant the employee leave without pay for personal reasons for a period or periods not to exceed ten (10) consecutive working days. When an employee is absent without the approval of management, the absence shall be considered as an unauthorized absence without pay and the pay of such employee shall be docked for the period of time absent and appropriate disciplinary action taken. Documentation of an absence without pay, under the circumstances described above, shall be furnished to Human Resources to adjust the employee's employment date, in accordance with procedures established by the Head of Human Resources.
- (2) In the case of an employee requesting Family and Medical Leave, which means leave for a serious medical health condition for him/herself, spouse, child or parent (including *in loco parentis*), approval of such must be controlled by Rule 8.06(5).
- (3) Upon request by a permanent or probationary employee, a leave of absence without pay for more than ten (10) consecutive working days, deemed to be beneficial to the service of the City, may be granted by the department head subject to the following:
 - (a) The total duration of such leave and any extensions granted shall not exceed six (6) calendar months.
 - (b) A leave of absence form must be completed and processed in accordance with procedures established by the Head of Human Resources.

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- (c) If the leave of absence and any extensions will extend the leave period beyond six (6) calendar months, it must be approved by the Head of Human Resources. However, no leave of absence for a continuous period in excess of one (1) year will be approved.
 - (d) If the leave of absence is for health reasons, the request must be accompanied by documentation from a licensed medical physician who must state the length of time that the employee should be on leave from his/her duties. Upon returning to work, the employee must furnish medical documentation of his/her ability to perform assigned duties or, for an individual with a disability, the ability to perform the essential functions of the job with or without reasonable accommodation. These records must be kept in accordance with Rule 10.03(1)(c).
 - (e) Appropriate documentation must be furnished to Human Resources so that the official personnel file will reflect the employee's current status and, upon the employee's return to work, the employment date must be adjusted.
 - (f) An employee who is granted leave of absence shall be an inactive employee on leave and not receiving monetary compensation from the City; and shall be returned to the same position, or a different position in the same class, upon termination of the approved leave of absence.
 - (g) An employee who fails to return from a leave of absence will be deemed to have resigned. Such failure to return from leave shall be documented.
- (4) An employee may be sent home as absent-without-pay under the following conditions:
- (a) When an employee fails to report to work properly attired, licensed or certified, or otherwise equipped for duty; or
 - (b) Because of tardiness is unable to perform required job functions (such as crews already dispatched, work schedules reassigned etc.); or
 - (c) Because of his/her physical or mental condition is unable to perform required duties or poses a danger to himself, fellow employees or the public.

An employee, subject to this rule, may request accrued sick, vacation or annual leave; but the granting, thereof, shall be at the discretion of management and shall not limit discipline where appropriate.

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- (5) Upon request by an eligible employee, an unpaid leave of absence for Family and Medical Leave may be granted for a period not to exceed twelve (12) weeks with the following stipulations:
- (a) The employee has been employed by the City for a period of twelve (12) months.
 - (b) The employee must have worked a total of 1,250 hours in the twelve (12) months immediately prior to the leave start date.
 - (c) The employee has a serious medical health condition or his/her spouse, child or parent has a serious medical health condition that requires the employee to use Family and Medical Leave.
 - 1. Serious health conditions require a Medical Certificate to be submitted by the employee prior to the leave, if possible, or in a timely manner after the leave begins.
 - 2. Medical Certificate must be from a doctor and will include the date on which the serious health condition, in question, began; the probable duration of the condition; appropriate medical facts regarding the condition; and in the case of a family member, a statement that the employee is needed to care for a spouse, child or parent.
 - 3. The City may require a second opinion to be paid for by the City. The second opinion will not be provided by a health care provider currently under contract by the City.
 - 4. In the event of conflicting opinions, the City may request a third opinion, at its expense, which will become the final and binding decision.
 - (d) The employee has a child born or receives placement of an adopted or foster child.
 - (e) When an employee does not have twelve (12) months of service or has not worked a total of 1,250 hours, the decision to grant leave will revert to the department head as described in Rule 8.06 (3) herein.
 - (f) All health benefits will continue while the employee is on Family and Medical Leave provided he/she pays employee's normal portion (paid on his/her bi-weekly paycheck, calculated monthly) of the medical benefits for which he/she is normally responsible. When in an unpaid leave status, the employee's contributions will not be paid to the pension fund.

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- (g) An employee who is granted Family and Medical Leave shall be considered an employee of the City and shall be returned to the same position or similar position equivalent in pay and benefits to that held prior to the Family and Medical Leave. Employees who are among the highest paid 10% within the City are not guaranteed restoration to the same or equivalent position upon return from leave.
- (h) An employee who fails to return from a Family and Medical Leave of absence will be deemed to have abandoned his/her position and will be treated in accordance with Rule 7.02(2) herein and is liable for the cost of insurance coverage maintained during his/her absence.
- (i) Additionally, an employee who has used the maximum leave allowed under the Family and Medical Leave Act may request additional leave under Rule 8.06(3) herein.

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Authority: Sections 116.401, 116.402, 116.403, 116.501, 116.601, 116.602, 116.603, 116.604, 116.605, 116.606, 106.403, Ordinance Code; Chapter 112, F.S.
History: Revised 7/1/82, 1/17/85, 7/16/87, 12/8/88, 4/23/90, 3/1/95

Rule 9

DISCIPLINARY ACTIONS, GRIEVANCES, AND APPEALS

RULE 9

9.01 STATEMENT OF POLICY:

- (1) It is the policy of the City to encourage discussion on an informal basis between the supervisor and an employee of any employee grievance. Such discussion should be held with a view to reaching an understanding which will resolve the matter without need for recourse to the formal grievance procedure. An employee's grievance should be presented and handled promptly and should be disposed of at the lowest level of supervision, consistent with the authority of the supervisor. Where the supervisor does not have authority to make a binding decision, the appeal shall be heard by the next higher level supervisor or manager with such authority.
- (2) Disciplinary actions against a permanent employee can only be taken for cause.
- (3) The fact that an employee has filed a grievance or appeal under the provisions of this section shall not interfere with management's right to impose subsequent discipline, where appropriate.
- (4) There shall be no reprisals against any employee for exercising his/her rights under this Rule.
- (5) An employee cannot file a Civil Service grievance or appeal concerning a matter which is being considered under a collective bargaining agreement or the Public Employee Relations Commission. Once the employee has selected a forum for his/her appeal to be heard, he/she is bound by that decision and cannot seek to have it reheard in another forum. The election-of-remedies provision of Florida Statute Section 447.401 is hereby incorporated into these Rules and is binding on all employees. The filing or maintenance of a discrimination claim with a state or federal EEO agency shall not limit an employee's Civil Service grievance or appeal rights.
- (6) All disciplinary actions, grievances, and appeals shall be handled in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

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9.02 EMPLOYEE REPRESENTATION:

- (1) An employee may designate a representative of his/her own choosing to assist in grievance and disciplinary internal proceedings; however, representation before the Civil Service Board shall be in accordance with established procedures.
- (2) An employee may process his/her own grievance or appeal without a representative. This does not grant a right to any proceeding, unless otherwise provided for in these Rules.

9.03 GRIEVANCES:

- (1) Grievances defined: A "grievance" is defined as a dispute regarding any action taken in the administration of the Civil Service and Personnel Rules and Regulations pertaining to any permanent (or claiming to be permanent), probationary (when specified as grievable), or prospective employee's employment or employment rights.
- (2) **Permanent Employee Grievances:**
 - (a) Procedure: A permanent employee shall file a grievance with the Head of Human Resources, when the employee believes a violation of the Civil Service and Personnel Rules and Regulations has occurred with respect to promotion. All other grievances shall be filed with the employee's immediate supervisor. All grievances shall proceed in accordance with Addendum 1 related to grievance procedures.
 - (b) Limitations related to Counseling and Discipline:
 1. Written or oral counseling (which is not considered discipline) is not subject to grievance;
 2. A written reprimand may be removed, sealed and retained, if the employee proves by clear and convincing evidence that there was no factual basis for the written reprimand;
 3. Dismissal of an employee without permanent Civil Service status is not subject to grievance or appeal.
- (3) **Prospective Employee Grievances:**

Procedure: A prospective employee who believes that the Civil Service and Personnel Rules and Regulations were violated with respect to hiring may file a written grievance with the Head of Human Resources within ten (10) working days after he/she learns of the alleged violation. The Head of Human Resources or his/her designee will consider the grievance and issue a written decision to the Grievant within ten (10) working days of receipt of the

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grievance, with a copy to the Civil Service Board. The written decision will fully explain the basis for the decision. If the decision by the Head of Human Resources does not satisfactorily resolve the grievance, the Grievant may file a written appeal to the Civil Service Board within five (5) working days of receipt of the decision. The Civil Service Board, at the earliest practical time, will schedule a Public Hearing in accordance with Addendum 1.

(4) **Civil Service Board Hearings:**

- (a) The Civil Service Board shall hear and determine the final appeal of any authorized grievance concerning any action taken in the administration of the Civil Service and Personnel Rules and Regulations. If, after review, the Civil Service Board determines the action taken to be inconsistent with the rules or regulations, it shall order the modification of action taken by the appropriate office, department, board, or independent agency in order to ensure consistency and compliance with such rules and regulations.
- (b) Nothing contained in this section shall authorize the Board to sustain a grievance because of failure to hold a timely hearing.
- (c) Management shall have the right to bypass steps one through three of the grievance process to facilitate prompt redress of grievances; however, the decision shall be made at the lowest level where authorization exists.

9.04 **DISCIPLINARY ACTIONS:**

- (1) The department head shall take action in a timely and equitable fashion as necessary to deal effectively with employee deficiencies and breaches of good conduct, as provided by these Rules.
- (2) In order to have an effective program for handling disciplinary problems, each department head should provide each employee with a statement of his/her defined duties and responsibilities, work standards, and other policies applicable to the work situation. The department's program for handling disciplinary problems should include a review procedure to ensure that all supervisors are reasonably consistent in taking disciplinary actions against employees involved in similar situations. Violations of this rule or a department's lack of written policy or review procedures shall not constitute a sufficient reason for over turning disciplinary action where such action is otherwise appropriate.
- (3) Any departmental program for handling disciplinary problems which contains a standard range of penalties shall be filed with the Head of Human Resources for approval and, upon approval, shall be filed with the Civil Service Board. Discipline administered pursuant to such a standard range of penalties shall be evidence of progressive discipline.

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- (4) Where feasible, management shall administer discipline in a progressive manner. When progressive discipline is not followed, the department head or his/her designee shall justify the departure from this policy at any disciplinary hearing.
- (5) Disciplinary action shall be for cause as indicated in these Rules and may include, but is not limited to, one or any combination of the following:
 - (a) Written Reprimand
 - (b) Reduction in Compensation
 - (c) Demotion
 - (d) Suspension without Pay
 - (e) Dismissal

An employee with permanent status shall not be demoted, suspended without pay, dismissed, or have his/her compensation reduced as a disciplinary action, except in accordance with these Rules. Written reprimands may only be challenged through the grievance process provided in Rule 9.03(2)(a).

- (6) The Civil Service Board shall hear and determine appeals initiated by permanent employees who have been disciplined for violations of the personnel provisions of the City Charter or the Civil Service and Personnel Rules and Regulations. Demotions, suspensions without pay, dismissals, and disciplinary reductions in compensation shall be processed in accordance with these Rules.

9.05 REDUCTION IN COMPENSATION, DEMOTIONS, SUSPENSIONS WITHOUT PAY AND DISMISSALS:

Except for voluntary demotions or demotions resulting from reduction in force or reduction in compensation, for other than disciplinary reasons, employees with permanent status in the Civil Service may only have their compensation reduced, be demoted, suspended without pay or dismissed for cause.

- (1) Cause shall include, but is not limited to, negligence (careless workmanship or slovenliness in the performance of duty); inefficiency or inability to perform assigned duties; insubordination; willful violation of the provisions of law or department rules; conduct unbecoming a public employee which would affect the employee's ability to perform the duties and responsibilities of the employee's job; willful falsification of records (false statements, misrepresentation or fraud of official documents, such as application, attendance and leave records or work and production records); misconduct; drug abuse; conviction of any crime involving moral turpitude; and including, but not limited to, situations where the employee has:

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- (a) Violated any lawful official regulation or order or failed to obey any proper directive made and given by a superior officer.
 - (b) Been under the influence of intoxicants while on duty.
 - (c) Been guilty of insubordination.
 - (d) Been guilty of disgraceful conduct.
 - (e) Been offensive in conduct or language in public or towards the public, officials or employees.
 - (f) Been incompetent or inefficient in the performance of the duties of the position.
 - (g) Been careless or negligent with the monies or other property of the City.
 - (h) Failed to pay or make reasonable provisions for future payment of debts to such an extent that such failure is detrimental to the work situation.
 - (i) Used or threatened to use, or attempted to use, personal or political influence to secure promotion, leave of absence, transfer, change of pay rate or character of work.
 - (j) Taken for personal use from any person any fee, gift, or other valuable thing in the course of work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons.
 - (k) Violated established security procedures during the examination process or has obtained information, through unauthorized or illegal means, which provides an unfair advantage on the examination.
 - (l) Failed to maintain a satisfactory attendance record. Proper use of sick, vacation, or annual leave shall not constitute grounds for any disciplinary action. Patterns of absences may be considered in determining the proper use of leave.
 - (m) Failed to acquire or maintain a valid license, registration or certification when such license, registration or certification is required and specified in the class specification for the class to which the position occupied by the employee is classified.
- (2) Except in the extraordinary situations described in Rule 9.05(4) below, the department or agency shall furnish the employee with a detailed written statement (in no particular form) supporting the proposed disciplinary

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reduction in compensation, demotion, suspension without pay or dismissal before it becomes effective, in accordance with the following:

- (a) Said charges for discipline other than written reprimands shall be restricted to employee conduct/activity occurring or which has become known to a department within sixty (60) working days prior to the date of the written statement. For purposes of this section, where formal investigation is conducted to determine culpability, the sixty (60) working day period shall commence on the date of the conclusion of the investigation. The department or agency in each such case shall demonstrate the reasonableness of the formal investigation and its length to the Civil Service Board.
 - (b) The statement shall refer to the alleged offense and respective date, the Civil Service and Personnel Rules and/or Regulations alleged to have been violated, and any supporting documentation. Supporting documentation may include, but is not limited to, any matter contained in the employee's official personnel file, Supervisor's notes, or any other information which may be introduced at the hearing. While specificity is preferred, its absence shall not be a cause for overturning discipline. For record-keeping purposes, copies of the disciplinary action shall be furnished to the Head of Human Resources and the Civil Service Board within two (2) working days after the charges and supporting documentation have been furnished to the employee.
 - (c) The statement shall also notify the employee that the employee will be afforded an opportunity for an appeal hearing before the Civil Service Board. It shall be the duty and responsibility of the employee to inform the Board of the intention to appeal or not appeal within five (5) working days after receiving said notification.
- (3) Failure to notify the Board shall constitute a waiver of any further right to appeal and the action of the appointing authority shall be deemed sustained, effective as of the date of receipt of the written statement or as soon thereafter as possible. Upon receipt of request for hearing, the Civil Service Board shall set a hearing and immediately notify the disciplined employee by hand or registered or certified mail, return receipt requested of the date, time and place of the scheduled hearing. When an appointing authority seeks dismissal without suspension of an employee, the employee shall be placed on leave without pay if the employee, or his/her representative, requests more than one postponement of a hearing date.
 - (4) In extraordinary situations, the appointing authority may immediately suspend the employee without pay pending a hearing date. The suspension may be either temporary or may last through the hearing date, depending upon the circumstances.

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- (a) Extraordinary situations shall include, but are not limited to, those in which the retention of the employee could:
 - 1. Result in damage to property.
 - 2. Be injurious to the employee.
 - 3. Be injurious to a fellow employee.
 - 4. Be injurious to the general public.
 - 5. Be detrimental to the interests of the Government.
 - 6. Substantially impair management's ability to maintain decorum and discipline.
 - (b) The following are examples of extraordinary situations in which an employee may be immediately suspended without pay:
 - 1. Being under the influence of alcohol or drugs on the job.
 - 2. Use of alcohol or illegal drugs on the job or during the employee's work day, to include breaks and lunch period.
 - 3. Commission of an act which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the State of Florida or Federal Government.
 - 4. Brutality or cruelty to an inmate, an employee, or to the general public while on duty.
 - 5. Flagrant insubordination.
 - (c) In situations as described in Rule 9.05(4)(a) or (b), an employee may be immediately suspended without pay for up to twenty (20) working days. Presentation of a detailed written notice of the disciplinary action, as provided in Rule 9.05(2), shall be given to the employee, Head of Human Resources and the Civil Service Board within three (3) working days after commencement of suspension. Failure to notify the Head of Human Resources or the Civil Service Board within these time limits shall not constitute a sufficient reason for overturning disciplinary action where no substantial prejudice has resulted.
- (5) Upon receipt of the detailed statement as provided in Rule 9.05(4), the Civil Service Board shall immediately reserve a hearing date no later than twenty (20) working days from the beginning of the suspension. Once the employee has properly requested a hearing, the Civil Service Board shall immediately notify the disciplined employee by hand or registered or certified mail, return

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receipt requested of the date, time and place of the scheduled hearing. It shall be the duty and responsibility of the employee to file with the Board the intention to appeal or not to appeal within five (5) working days after receiving written notification of discipline from the appointing authority in accordance with Rule 9.05 (2)(c). An employee who fails to file timely notice with the Board shall waive any further right to appeal and the action of the appointing authority shall be deemed sustained effective as of the date of the original suspension.

- (6) The following shall apply upon suspension in extraordinary situations as provided in Rule 9.05(4):
 - (a) If the employee has been suspended as provided in Rule 9.05(4), and the reason for such suspension is that the employee has committed an act which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the State of Florida or Federal Government, and criminal charges are pending against said employee, the employee may request that the Civil Service Board postpone the scheduled hearing and that the employee be placed on leave without pay status until the criminal charges have been disposed of; and
 - (b) The Chairman or Vice Chairman of the Civil Service Board may approve such request, provided the employee has filed with the Civil Service Board a written request for leave without pay status. Upon final disposition of the criminal charges, it shall be the responsibility of the employee to notify the Board of such disposition within ten (10) calendar days, in writing, and request that the appeal hearing be rescheduled. Failure to notify the Board within this period shall constitute a waiver of any further right to appeal; and the action of the appointing authority shall be sustained, effective as of the date of the suspension. If the employee requests that the appeal hearing be rescheduled, the Civil Service Board shall reschedule the hearing as soon thereafter as possible; but the waiver of benefits shall be considered binding until the case is fully heard; and
 - (c) If the employee has been suspended, as provided in Rule 9.05(4), for any reason other than a pending criminal charge, and the employee desires a continuance of the hearing and management agrees, such continuance may be granted, provided the employee voluntarily requests and is placed upon leave without pay status as in Rule 9.05(6)(a) and (b); and
 - (d) Notwithstanding Rule 9.05(6)(a),(b),and (c), a suspended employee who needs additional time to prepare his or her defense may, by written petition filed not later than three (3) working days prior to hearing, request the Chair of the Civil Service Board for a continuance of not more than thirty (30) calendar days. The suspended employee's

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entitlement to back pay during this limited continuance shall depend on whether or not the employee is vindicated at the final hearing. For purposes of this section, "vindicated" means the Board finds the employee has not violated any of the rules and regulations or applicable department or agency orders as charged.

- (7) If the Civil Service Board determines, after review, that the disciplinary action is inconsistent with the provisions of the City Charter or the Civil Service and Personnel Rules and Regulations, or is manifestly unjust, it shall order the modification of the disciplinary action or provide such relief as it deems appropriate, including the reinstatement to a former position, payment of forfeited pay, reinstatement to a former level of compensation, and the removal of reprimands from the employee's personnel file.
- (8) Time spent on leave without pay shall not be considered to be time for which pay was forfeited or for which pay is due under any circumstances.

9.06 PROCEDURES FOR HEARING GRIEVANCES AND APPEALS:

Grievances and appeals before the Civil Service Board shall be conducted in accordance with procedures established by that body.

9.07 BACK PAY:

- (1) The Civil Service Board shall have jurisdiction to determine an employee's entitlement to receive back pay when authorized by these Rules.
- (2) Upon Order of the Civil Service Board granting back pay, an employee shall submit to management a full statement with supporting documentation, advising management of all employment income earned from other sources during the period for which the back pay is to be calculated.
- (3) If, following full disclosure by the employee, management and the employee cannot agree on the proper back-pay award, taking other income into account as mitigation, the employee may file, no later than forty-five (45) days from the Civil Service Board's original decision granting back pay, a petition for supplemental relief with the Civil Service Board; and the Civil Service Board shall set a hearing in accordance with its Grievance Hearing Procedure and render a determination thereon.

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Authority: Sections 17.02, 17.03, 17.04, 17.11, City Charter.
History: Revised 7/1/82, 1/17/85, 7/16/87, 12/8/88, 4/23/90, 3/1/95, 10/1/10

Rule 10

PERSONNEL AND RELATED PROGRAMS, RECORDS AND REPORTS

RULE 10

10.01 STATEMENT OF POLICY:

- (1) Any department personnel policies, practices or procedures which are in conflict with the provisions of these Rules, or any policies or procedures issued in connection therewith, shall not be applicable to Civil Service employees.
- (2) The department head shall be responsible for the proper administration of these Civil Service and Personnel Rules and Regulations within his/her department.
- (3) Each department head shall designate an employee to serve as the department's personnel representative who shall be responsible for administering, with the department, all personnel programs required by these Civil Service and Personnel Rules and Regulations or other related programs authorized by law.
- (4) The Head of Human Resources shall establish and maintain all records which are necessary to substantiate compliance with all laws relating to personnel matters and all provisions of these Rules.
- (5) The Head of Human Resources shall establish procedures for review, duplication and inspection of all personnel records in accordance with all applicable laws.
- (6) The establishment of all personnel, policies, practices, and procedures and the maintenance of all records related to them shall be in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

10.02 PERSONNEL AND RELATED PROGRAMS:

(1) **Performance Evaluation Program:**

Performance evaluations of employees shall be conducted in accordance with procedures adopted by the Head of Human Resources, as authorized by the City Charter.

Failure to properly conduct an evaluation shall not be reason to set aside action that is otherwise valid or appropriate.

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(2) **Council Incentive Program:**

A City Council Service Incentive Award Program is established in the Ordinance Code to recognize special acts of service to the community and, thereby, provide incentives for others to act to increasingly serve the public health, safety and welfare. Any employee of the City may nominate or be nominated for the City Council Award Program in accordance with procedures provided in the Ordinance Code.

(3) **Award for Superior Performance:**

Employees who by their superior accomplishments make exceptional contributions to the efficiency, economy or other improvements in the operation of City government shall be recognized under the authority of the Ordinance Code.

(4) **Employee Suggestion Program:**

Employees who propose procedures or ideas which are adopted and which result in eliminating or reducing City expenditures or improving operations, provided such proposals are placed in effect, shall receive awards including cash awards in accordance with rules promulgated under the authority of the Ordinance Code.

(5) **Fingerprinting of Employees:**

- (a) Departments or agencies with the approval of the Head of Human Resources may establish fingerprinting, or other means of security check that complies with the Americans with Disabilities Act Amendments Act, as a prerequisite of employment for those positions that encompass special trust and responsibility.
- (b) After such prerequisites are established and approved, a person who refuses to submit to fingerprinting, or other means of security check that complies with the Americans with Disabilities Act Amendments Act, may be ineligible for employment or promotion to such position, or if employed thereafter, such refusal may constitute cause for dismissal.
- (c) The department or agency may arrange for processing of fingerprinting, or other means of security check, which complies with the Americans with Disabilities Act Amendments Act, by the Jacksonville Sheriff's Office.
- (d) All records attendant to, or in connection with, the fingerprinting or other means of security check shall be reviewed by the personnel function prior to being included in the employee's official personnel file.

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10.03 RECORDS:

- (1) The official personnel file for each employee shall be maintained in City Human Resources, unless a different location is approved by the Head of Human Resources. The official personnel file shall include, but not be limited to, copies of the following:
 - (a) Employment application;
 - (b) Any background investigation reports;
 - (c) All medical information, which will remain confidential and not subject to disclosure to the general public, in accordance with the Florida Public Records Law. All medical information will be maintained separately from the employee's permanent personnel records in the personnel function;
 - (d) All disciplinary actions;
 - (e) All employment records reflecting initial employment date, original appointment, promotion, demotion, reassignment, reinstatement, temporary assignment, transfer, separation, layoff, suspension, reduction in pay, change in class title, leave(s) of absence without pay, employee's address and telephone number, extension of probationary period, and any other personnel transactions pertinent to the employee's employment record;
 - (f) All performance evaluations;
 - (g) All other records or correspondence deemed appropriate in accordance with these Rules by the Head of Human Resources.
- (2) Attendance and leave records shall be established and maintained in accordance with Rule 8 for all employees and shall include, but not be limited to, attendance on official duty; leave credits earned, used, and accrued; overtime worked; compensatory leave credits used and accrued; any cash payments for overtime and any other leave of absence with or without pay.
- (3) The following position classification records shall be maintained on a current basis by City Human Resources:
 - (a) Copies of structural, functional, staffing, promotional and other organizational charts;
 - (b) Official files on all specifications, including current specifications and the history of such specifications.

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- (4) All personnel files, except those or any parts thereof exempted by law, shall be available for inspection and examination at reasonable times and under reasonable conditions in accordance with procedures adopted by the Head of Human Resources or other delegated personnel file custodian.

10.04 REPORTS:

- (1) In addition to specific personnel reports which are required by other provisions of these Rules, the Head of Human Resources or Civil Service Board may require the submission of any other reports deemed necessary.
- (2) Any waiver of an employee's rights under these Rules will be valid only if the following requirements are met:
 - (a) The waiver must be in writing and must clearly state conditions under which the waiver will apply; and
 - (b) The signing of the waiver must be witnessed by two (2) persons and the waiver form must include the signatures and current mailing addresses of the witnesses; and
 - (c) Withdrawal of a waiver must be in writing and must include the signatures and current mailing addresses of two (2) witnesses. Withdrawal of a waiver will not negate any personnel action(s) taken prior to its receipt by the City Human Resources function.
- (3) Certification of payrolls shall be made as provided in the Ordinance Code, and in accordance with procedures issued by the Head of Human Resources.

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Authority: Sections 29.101, 29.102, 29.103, 106.601, 106.602, Ordinance Code; Chapter 119, F.S.
History: Revised 1/17/85, 12/8/88, 4/23/90, 3/1/95

Rule 11

POLITICAL ACTIVITIES, STANDARDS OF CONDUCT, AND AUTHORIZED ACTIVITIES

RULE 11

11.01 STATEMENT OF POLICY:

- (1) All employees are encouraged to express their opinions on any issue or candidacy or participate in any political campaign during their off duty hours, except as provided in these Rules.
- (2) No employee shall take any active part in a political campaign while on duty or within any period of time during which the employee is expected to perform services for which compensation from the City will be received.
- (3) No employee of the City shall hold office as a member of a governing board, council, commission or authority by whatever name known, which is the employer, while continuing as an employee of such employer.
- (4) No employee shall use the official authority or influence of the employee's position for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
- (5) No employee shall directly or indirectly coerce or attempt to coerce, command or advise any other officer or employee to pay, lend, or contribute any part of the employee's salary, kick back any sum of money, or anything else of value to any party, committee, organization, agency or person for political purposes.
- (6) It is unlawful for any officer or employee of the City to use any property owned by the City for personal benefit, convenience, profit or for any political purpose except for official job-related functions or in accordance with policies promulgated by the City Council or by the independent agency owning the property.
- (7) No employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.
- (8) Employees whose positions are subject to the federal Hatch Act shall not become candidates in any partisan election.
- (9) All employees are required to immediately notify their agency of any revocation, suspension or loss of driving privileges, if the employee is obligated to drive as part of his/her normal job function, or if a valid driver's license is required as part of the employee's job classification.

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- (10) This Rule shall be administered in accordance with the nondiscrimination policy enunciated in the Statement of Policy of the General Provisions of these Rules.

11.02 POLITICAL ACTIVITIES, STANDARDS OF CONDUCT, AND PENALTIES:

All employees are protected by and subject to the provisions, including the limitations and penalties of, but not limited to, the following:

- (1) Chapter 116, Ordinance Code: Personnel Regulations;
- (2) Chapter 112, Part III, Florida Statutes: Code of Ethics;
- (3) Chapter 120, Ordinance Code: Pensions and Retirements;
- (4) Section 99.012, Florida Statutes: Restrictions on Individual Qualifying for Public Office;
- (5) Section 104.31, Florida Statutes: Political Activities of State, County, and Municipal Officers and Employees;
- (6) Chapter 112, Florida Statutes: Public Officers and Employees;
- (7) Chapter 838, Florida Statutes: Misuse of Public Office.

11.03 AUTHORIZED ACTIVITIES:

- (1) Nothing in these Rules shall be construed to prohibit employees from expressing their opinions on any issue or candidate, or, except as provided in these Rules and applicable laws, from participating in any political campaign.
- (2) Nothing in these Rules shall prohibit an employee from suggesting to another employee in a non-coercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.
- (3) Nothing in these Rules shall be construed to deny any employee the opportunity available to all other citizens to acquire and retain private, economic interest, except when a conflict with the responsibilities of such employee cannot be avoided.
- (4) As an individual, each employee retains all rights and obligations of citizenship provided in the Charter and Ordinance Code of the City of Jacksonville, the Constitution and Laws of the State of Florida and the Constitution and the Laws of the United States.

Rule 11

11.04 PROHIBITED ACTIVITIES AND UNLAWFUL ACTS:

- (1) No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made, or in any manner commit or attempt to commit any fraud, preventing the impartial execution of such personnel provisions or the Civil Service and Personnel Rules and Regulations.
- (2) No person seeking appointment to, or promotion in, the City service shall either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with, their test, appointment, proposed appointment, promotion, or proposed promotion.
- (3) No employee or other person shall defeat, deceive, or obstruct any person in the right to examination, eligibility certification, or appointment under the Civil Service and Personnel Rules and Regulations; or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment.
- (4) Persons shall not be appointed to positions in the City in which they would be supervising or receiving supervision from members of their immediate family, as defined in and provided by Florida Statutes.

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Authority: See Rule 11.02
History: Revised 7/1/82, 1/17/85, 12/8/88, 4/23/90, 3/1/95

Definitions

DEFINITIONS

DEFINITIONS: For the purpose of application and administration of these Rules, including all of the separate parts, the following terms shall have the meaning indicated:

- (1) **ABANDONMENT OF POSITION:** The unauthorized absence by an employee from the employee's position for three (3) consecutive working days.
- (2) **ACCREDITED INSTITUTION:** An institution of higher learning accredited by an accrediting agency or state approval agency recognized by the U.S. Secretary of Education or as may be approved by the Head of Human Resources.
- (3) **ALLOCATE OR REALLOCATE:** An executive or administrative action designating the type of position to be included in an appropriate department or agency.
- (4) **APPOINTMENT:** The act of placing an employee in an authorized position.
- (5) **AUTHORIZED POSITION:** Position authorized by an appropriate authority and included in an approved budget.
- (6) **CITY EMPLOYEE:** For the purpose of this document a City employee shall include an employee in one of the following capacities: permanent Civil Service, special purpose, JEA contract or temporary/ part-time. Temporary/ part-time, and special purpose employees are eligible for internal recruitment if they have worked a minimum of 1040 hours in the twelve (12) month period immediately preceding the examination date. Appointments made from a Priority 2 eligible list shall not be considered a promotion with reversion rights and must serve an original probationary period.
- (7) **CIVIL SERVICE EMPLOYEES:** Civil Service Employees are all employees of the consolidated government not specifically excluded by the City Charter.
- (8) **CLASS OR CLASS OF POSITIONS:** All positions in a group which are sufficiently similar as to authority, kind or subject matter of work, level of difficulty, and duties and responsibilities with the same minimum requirements of training, experience or skill, and such other characteristics that the same title and the same test of fitness warrant the same range of compensation for each position in the group.
- (9) **CLASS SERIES:** An arrangement of classes within the same line of work by ascending levels of skill, effort and responsibility which provides a natural line of progression from the lowest level to the highest level in the series.
- (10) **CLASS TITLE:** The official title used for personnel and payroll process.
- (11) **CLASSIFIED POSITION:** An authorized position that has been classified in accordance with the classification plan.

Definitions

- (12) **CLASSIFIED SERVICE:** Positions and employees filling such positions that fall under the Civil Service.
- (13) **COMPARABLE CLASS:** A class meeting the following criteria when compared to another class:
- (a) Having the same pay range or an equivalent pay range as determined by the Head of Human Resources;
 - (b) Falling within the same occupational area;
 - (c) Having similar requirements;
 - (d) Having similar job know how, problem solving, and accountability.
- (14) **COMPETITIVE CLASS:** A class in which selection of applicants for filling of vacancies is based upon the results of an assembled or unassembled examination. Competitive classes have specific, job-related requirements.
- (15) **CONTINUOUS RECRUITMENT:** The maintenance of an eligibility list for jobs or positions for which employment applications are solicited and accepted on an ongoing basis by the City. Governing procedures are established by the Head of Human Resources.
- (16) **DEMOTION:** Moving an employee from a position in one class to a position in another class having a lesser degree of responsibility and a lower pay range.
- (17) **DIRECT THREAT:** A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The EEOC has specified four factors that the employer should use in evaluating the significance of the risk:
- (a) The duration of the risk;
 - (b) The nature and severity of the potential harm;
 - (c) The likelihood that the potential harm will occur; and
 - (d) The imminence of the potential harm.
- (18) **DISABILITY:** The City shall conform to the definition contained in the Americans with Disability Act Amendments Act (ADAAA) as may be amended.
- (19) **ELIGIBLE:** A person whose name appears on an eligibility list and who is available for employment.

Definitions

- (20) **ESSENTIAL FUNCTION:** A function is considered essential when:
- (a) The position exists to perform the function; or
 - (b) There are a limited number of other employees available to perform the function, or among whom the function can be distributed; or
 - (c) It is highly specialized, and the person in the position is hired for special expertise or ability to perform it; or
 - (d) Removing that function would fundamentally change the job; or
 - (e) If it is not performed, there will be serious consequences.
- (21) **GRIEVANCE:** A "grievance" is defined as a dispute regarding any action taken in the administration of the Civil Service and Personnel Rules and Regulations pertaining to any permanent (or claiming to be permanent) or prospective employee's employment or employment rights. Effective with claims filed after March 1, 1995, "grievance" as defined shall include all claims that would previously have been defined as either "grievances" or "complaints."
- (22) **HEAD OF HUMAN RESOURCES:** The individual appointed and assigned the duty of organizing and directing the activities of the personnel function of the City whether that function be assigned to a department or division. It may also be known as the "Chief" or "Director" of Human Resources.
- (23) **HIRING AUTHORITY:** The Mayor, Constitutional Officers, Appointed Officials or their designees.
- (24) **IMMEDIATE FAMILY:** An individual's spouse, children, mother, father, brothers, sisters, half-brothers, half-sisters, aunts, uncles, grandparents, grandchildren, mother-in-law, father-in-law, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, step-parents, step-children and other relatives who permanently reside with the individual.
- (25) **INITIAL EMPLOYMENT DATE:** Is the date of beginning employment with the City commonly known as date of hire and may be used to determine an employee's anniversary date for pay purposes.
- (26) **MANAGEMENT:** Elected or Appointed persons whose assigned responsibilities and duties are to supervise, manage, and direct the City's activities and functions.
- (27) **MANIFEST ERROR:** (1) an error that is obvious and indisputable and that warrants reversal on appeal. (2) readily perceived by the eye or the understanding; evident; obvious; apparent; plain.

Disputes over an assessor's evaluation of performance are not considered manifest errors unless valid issues of fact are shown.

Definitions

- (28) **NAME-CLEARING HEARING:** A Name-Clearing Hearing is an informal hearing allowed only under limited circumstances for probationary employees who are being separated from the City. The Name-Clearing Hearing shall be heard before an objective administrator such as The Head of Human Resources or an appropriate designee. The sole purpose of the hearing is to afford the employee the opportunity to "cleanse the reputation" of the employee. Reinstatement is not authorized. There shall be no grievance or appeal from a decision resulting from a Name-Clearing Hearing.
- (29) **NONCOMPETITIVE CLASS:** A labor intensive class which does not require an examination for filling of vacancies. A noncompetitive class is designated in the class specification by having entrance requirements.
- (30) **ORIGINAL APPOINTMENT:** An original appointment is the date of entry into a Civil Service classification and may be made from either an internal or external recruitment list.
- (31) **PERMANENT STATUS:** A status conferred upon an employee in a class in the classified service after the satisfactory completion of the probationary period.
- (32) **PERSONNEL FUNCTION:** Also known as the management of human resources, involves the creation, coordination and supervision of all of the activities relevant to employment by the City. These activities include recruitment, examining and hiring, training and organizational development, record-keeping, classification and compensation, labor relations and the provision of staff services to the various departments of the City regarding leaves of absence, discipline and compliance with Civil Service and Personnel Rules and Regulations and other applicable labor and employment laws and regulations.
- (33) **POSITION:** The group of current authorities, duties, and responsibilities, assigned or delegated by appropriate authority, requiring the full-time or part-time employment of one person.
- (34) **PROBATIONARY PERIOD:** A defined period for critical supervisory examination and evaluation of a newly-appointed employee's performance of the position's job factors and essential functions to determine his/her retention in the position.
- (35) **PROSPECTIVE EMPLOYEE:** Any individual not employed by the City who has filed an employment application for an advertised Civil Service examination within the applicable time limits and who has not been appointed.
- (36) **PROMOTION:** Moving an employee from a position in one class to a position in another class having a greater degree of responsibility and a higher pay range.

Definitions

- (37) **REASONABLE ACCOMMODATION:** In general, an "accommodation" is any change in the work environment or in the way things are customarily done that enables an individual with a disability to participate in the job application process, to perform the essential functions of a job or to enjoy the benefits and privileges of employment equally with non-disabled employees. "Reasonable" are those changes that do not impose an undue hardship on the employer's business. An "undue hardship" means an action that is excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.
- (38) **RECLASSIFICATION OF POSITIONS:** The change of a classified position in one class in a series to a higher or lower class in the same series or to a class in a different series which is a result of a natural change in the duties and responsibilities of the position.
- (39) **STIGMATIZING:** When the reason for separation of a probationary employee attaches a badge of infamy to the employee, the reason is considered stigmatizing. If the employee's good name, reputation, honor or integrity is called into question as a result of conduct resulting in separation and it is claimed by the employee that the allegation of such conduct is false, then the separation is considered to be stigmatizing and a "name-clearing" hearing is allowed. Simple misconduct is not considered stigmatizing.
- (40) **SUSPENSION WITHOUT PAY:** A disciplinary action resulting in temporarily relieving an employee of duties and responsibilities and placing the employee on leave without pay.
- (41) **TYPES OF APPOINTMENTS:** (See next page)
- (42) **WORKING DAYS:** In order to provide citywide uniformity, for purposes of the application of these Rules to all covered employees, working days are defined as Mondays through Fridays not including authorized paid holidays. Working days are not determined by any individual employee's work schedule.

Types of Appointments

TYPES OF APPOINTMENTS					
TYPES OF LISTS	Original	Promotion	Demotion	Reinstatement	Reassignment
Layoff Demotion	N/A	N/A	N/A	Permanent (in same class series)	N/A
Priority Reemployment	N/A	N/A	N/A	Probation or Permanent	N/A
Layoff Reemployment	N/A	N/A	N/A	Probation or Permanent	N/A
Internal Recruitment	Probation	Probation	Probation or Permanent	N/A	Probation or Permanent
Reemployment (Resigned Only)	N/A	N/A	N/A	Probation or Permanent	N/A
External Recruitment	Probation	N/A	N/A	N/A	N/A

N/A = Not Applicable

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CIVIL SERVICE BOARD
CITY OF JACKSONVILLE, FLORIDA
ADDENDUM NO. I
GRIEVANCE HEARING PROCEDURE

- 1.1 DEFINITION. A grievance, as defined in Rule 9.03(1), is a dispute of any action taken in the administration of the Civil Service and Personnel Rules and Regulations pertaining to any individual's employment or employment rights except as the dispute may be covered by the provisions of Rule 9.05, relating to disciplinary action. A grievance may be filed by an individual employee or a group of employees having the same grievance.
- 1.2 SPECIFY RULE. All grievances shall refer to the specific Civil Service and Personnel Rules and Regulations pertaining to the employee's rights.
- 1.3 NON PROMOTION-RELATED GRIEVANCE. All non-promotion-related grievances shall follow the below four (4) step procedure, unless otherwise agreed to in writing by the parties.

Step 1. An employee shall bring the grievance to the attention of the employee's immediate supervisor (at the time the disputed action took place) within ten (10) working days after the employee has knowledge of the grievance. The grievance does not have to be in writing at this step. The employee and the immediate supervisor shall attempt to satisfactorily resolve the grievance within two (2) working days.

Step 2. To proceed with the grievance, the employee shall submit the grievance in writing to the employee's division head or chief within five (5) working days after expiration of the two-day period provided in Step 1. Within five (5) working days of receipt of the written grievance, the division head or chief shall provide written notification to the employee and the immediate supervisor of the decision.

Step 3. To proceed with the grievance, the employee, within five (5) working days of receipt of the division chief's or head's written decision, shall submit the grievance in writing to the department or agency head. The department or agency head shall obtain the facts of the case up to that point from the department or agency file. The department or agency head may hold a conference with all parties concerned including a representative of the employee if it is deemed necessary. Within five (5) working days of receipt of the written grievance, the department or agency head shall provide written notification to the employee, the division head or chief, and the immediate supervisor of the decision.

Step 4. To proceed with the grievance, the employee, within five (5) working days of receipt of the department or agency head's written decision, shall file the

Addendum No. 1

grievance in writing with the Board. The Board shall schedule a hearing to consider the grievance and shall notify the employee and the department or agency head, in writing, of the time and place of the hearing at least ten (10) working days prior to such date. All non-promotion-related grievances filed with the Board shall be limited to the issues raised by the parties in Steps 1 through 3, unless mutually agreed to by the parties.

- 1.4 PROMOTION-RELATED GRIEVANCE. All promotion-related grievances shall follow the below two (2) step procedure, unless otherwise agreed to in writing by the parties.

Step 1. An employee shall file a grievance in writing with the Head of Human Resources within ten (10) working days after the employee has knowledge of the grievance. The Head of Human Resources, or his/her designee, shall consider the grievance and issue a written decision to the employee within ten (10) working days of receipt of the grievance.

Step 2. If the grievance is not resolved with the Head of Human Resources at Step 1, the employee, within five (5) working days of receipt of the Head of Human Resources' written decision, shall file the grievance in writing with the Board. The Board shall schedule a hearing to consider the grievance and shall notify the employee and the Head of Human Resources, in writing, of the time and place of the hearing at least ten (10) working days prior to such date. All promotion-related grievances filed with the Board shall be limited to the issues raised by the parties in Step 1, unless mutually agreed to by the parties.

- 1.5 TIME LIMIT. A grievance not referred by the employee from one step to the next within the specified time limit shall be considered resolved on the basis of the employer's last response, unless such time limit is extended by written agreement of the employee and the employer. Failure on the part of a supervisor, division head, department head, or the Head of Human Resources to respond within the time limit set forth in any step shall entitle the employee to proceed to the next step within the specified time limit.

- 1.6 PUBLIC HEARING. All hearings shall be open to the public.

- 1.7 REPRESENTATION. The employee, at his/her election, may be represented by counsel.

- 1.8 SUBPOENAS. Subpoenas requiring the attendance of witnesses or production of records at hearings shall be issued upon the written request of either party to the Board or the Board's designee. Service of process and the furnishing of witness fees shall be the responsibility of the requesting party. Any request for subpoena shall be made at least ten (10) calendar days prior to the hearing date and shall state the name and address of the witness for whom the subpoena is to be issued and the date and time of the hearing for which the witness is to appear.

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- 1.9 RECORDATION. The Board shall provide for a certified court reporter to preserve the testimony at each hearing; however, any party who desires a transcript of the testimony shall order same at the party's own expense.
- 1.10 CONTINUANCES. The Board Chair may exercise the discretion to grant a continuance of a hearing for good cause shown, or upon stipulation of both parties. Requests for continuances shall be made in writing. Except in cases of an emergency, requests for continuances should be made at least three (3) working days prior to the date of the hearing.
- 1.11 NOTIFICATION OF WITHDRAWAL. A grievant who requests a hearing concerning his/her grievance, who subsequently decides to withdraw the request and waive his/her right to a hearing, shall notify the Board of such withdrawal prior to the scheduled hearing.
- 1.12 FAILURE TO APPEAR. A grievant who fails to appear at a hearing waives the right to the grievance.
- 1.13 RIGHTS OF PARTIES/NO SEQUESTERING OF WITNESSES. Each party shall have the following rights: To present evidence relevant to the issues; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify. No witness shall be required to leave the hearing room during the giving of testimony of any other witness.
- 1.14 OPENING AND CLOSING STATEMENTS. The parties may be granted such limited opening and closing statements as the Chair deems appropriate. Opening statements shall be limited to three (3) minutes, and closing statements shall be limited to five (5) minutes, absent extraordinary circumstances.
- 1.15 LEGAL SUFFICIENCY. Prior to the taking of evidence on any grievance, the Board Chair may test the legal sufficiency of the grievance and may dismiss the grievance if it is untimely filed, fails to sufficiently allege violations of Civil Service and Personnel Rules and Regulations or is otherwise dismissible as a matter of law. The Chair's decision to dismiss a grievance prior to a hearing on the merits may be overturned by a majority vote of the Board members present at the hearing.
- 1.16 EVIDENCE. The hearing is not governed by strict rules of evidence and other rules governing the judicial process. Any relevant evidence is admissible if it is the sort of evidence on which reasonable, prudent persons customarily rely. Hearsay evidence may be used to supplement or explain other evidence. Irrelevant and unduly repetitious evidence may be excluded. All documents to be presented to the Board for consideration shall be Bates stamped or sequentially numbered. Each party may submit with the prehearing stipulation a proposed order that contains findings of fact and conclusions of law that the party alleges would support his/her position. The Board has the right to accept, amend or reject any part or all of a proposed order.

Addendum No. 1

- 1.17 WITNESSES.
- 1.17.1 All witnesses shall be sworn or affirmed and subject to examination and cross-examination by the parties. The Chair shall have the authority to control the order and duration of direct and cross-examination so as to provide efficiency in the hearing process, but still provide a fair opportunity for the presentation of evidence.
- 1.17.2 After the close of the examination of a witness by both parties, the witness is subject to examination by the Board. Subsequent to the Board's examination, the witness shall not be subject to further examination by the parties, except when the party has reserved the right to recall the witness.
- 1.17.3 After both parties have completed their cases, the Board shall have the right to call any witnesses whose testimony could be relevant to the issues. Any witnesses called by the Board shall be subject to cross-examination by both parties limited to the issues raised by the Board.
- 1.18 BOARD DELIBERATION AND DECISION. After the conclusion of the closing statements, if any, the Board should begin its deliberation in Executive Session which shall be open to the public. Neither party shall be permitted to interject any arguments or statements during the deliberation process. A majority vote of those Board members attending a hearing shall be required to approve a grievance. A decision of the Board shall include findings of fact and conclusions of law and shall be reduced to writing. A copy of the decision shall be delivered to the grievant, the department or agency head and the Head of Human Resources.
- 1.19 BURDEN OF PROOF. The grievant has the burden of establishing by a preponderance of the evidence that the department or agency has violated a provision of the Civil Service and Personnel Rules and Regulations.
- 1.20 RELIEF. Upon a finding that a violation of the Civil Service and Personnel Rules and Regulations has occurred, the Board may order such action as it deems appropriate in order to ensure compliance with the Civil Service and Personnel Rules and Regulations pertaining to hiring and promotion.
- 1.21 IMPACT ON POTENTIAL GRIEVANTS. Any employee or prospective employee who believes that he/she is adversely affected by management's action to resolve another's grievance shall file a grievance, in accordance with paragraph 1.3 or 1.4, within ten (10) working days of knowledge of management's action.
- 1.22 CONSOLIDATION/SEVERENCE. The Board Chair shall have the discretion to consolidate or sever cases as he/she deems appropriate.

Addendum No. 2

CIVIL SERVICE BOARD

CITY OF JACKSONVILLE, FLORIDA

ADDENDUM NO. 2

DISCIPLINARY APPEAL HEARING PROCEDURE

- 2.1 PUBLIC HEARING. All hearings shall be open to the public.
- 2.2 REPRESENTATION. The employee, at his/her election, may be represented by counsel.
- 2.3 SUBPOENAS. Subpoenas requiring the attendance of witnesses or production of records at hearings shall be issued upon the written request of either party to the Board or the Board's designee. Service of process and the furnishing of witness fees shall be the responsibility of the requesting party. Any request for subpoena shall be made at least ten (10) calendar days prior to the hearing date and shall state the name and address of the witness for whom the subpoena is to be issued and the date and time of the hearing for which the witness is to appear.
- 2.4 RECORDATION. The Board shall provide for a certified court reporter to preserve the testimony at each hearing; however, any party who desires a transcript of the testimony shall order same at the party's own expense.
- 2.5 CONTINUANCES. The Board Chair may exercise the discretion to grant a continuance of a hearing for good cause shown, or upon stipulation of both parties. Requests for continuances shall be made in writing. Except in cases of an emergency, requests for continuances should be made at least three (3) working days prior to the date of the hearing, and any requests for continuance shall be in accordance with sections 9.05(6)(c) and (d).
- 2.6 NOTIFICATION OF WITHDRAWAL. An employee who requests a hearing concerning his/her proposed disciplinary action, who subsequently decides to withdraw the request and waive his/her right to a hearing, shall notify the Board of such withdrawal prior to the scheduled hearing.
- 2.7 FAILURE TO APPEAR. An employee who fails to appear at a hearing waives the right to the appeal.
- 2.8 RIGHTS OF PARTIES/SEQUESTERING OF WITNESSES. Each party shall have the following rights: To present evidence relevant to the issues; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to require that all witnesses testifying remain outside the hearing room, except for the witness testifying, the representative of the department or agency, and the employee.

Addendum No. 2

- 2.9 OPENING AND CLOSING STATEMENTS. The parties may be granted such limited opening and closing statements as the Chair deems appropriate. Opening statements shall be limited to three (3) minutes, and closing statements shall be limited to five (5) minutes, absent extraordinary circumstances.
- 2.10 LEGAL SUFFICIENCY. Prior to the taking of evidence on any disciplinary appeal, the Board Chair may test the legal sufficiency of the disciplinary appeal and may dismiss the appeal if it is untimely filed or is otherwise dismissible as a matter of law. The Chair's decision to dismiss a disciplinary appeal prior to a hearing on the merits may be overturned by a majority vote of the Board members present at the hearing.
- 2.11 EVIDENCE. The hearing is not governed by strict rules of evidence and other rules governing the judicial process. Any relevant evidence is admissible if it is the sort of evidence on which reasonable, prudent persons customarily rely. Hearsay evidence may be used to supplement or explain other evidence. Irrelevant and unduly repetitious evidence may be excluded. All documents to be presented to the Board for consideration shall be Bates stamped or sequentially numbered. Each party may submit with the prehearing stipulation a proposed order that contains findings of fact and conclusions of law that the party alleges would support his/her position. The Board has the right to accept, amend or reject any part or all of a proposed order.
- 2.12 WITNESSES.
- 2.12.1 All witnesses shall be sworn or affirmed and subject to examination and cross-examination by the parties. The Chair shall have the authority to control the order and duration of direct and cross-examination so as to provide efficiency in the hearing process, but still provide a fair opportunity for the presentation of evidence.
- 2.12.2 After the close of the examination of a witness by both parties, the witness is subject to examination by the Board. Subsequent to the Board's examination, the witness shall not be subject to further examination by the parties, except when the party has reserved the right to recall the witness.
- 2.12.3 After both parties have completed their cases, the Board shall have the right to call any witnesses whose testimony could be relevant to the issues. Any witnesses called by the Board shall be subject to cross-examination by both parties limited to the issues raised by the Board.
- 2.13 BOARD DELIBERATION AND DECISION. After the conclusion of the closing statements, if any, the Board shall begin its deliberation in Executive Session which shall be open to the public. Neither party shall be permitted to interject any arguments or statements during the deliberation process. A majority vote of those Board members attending a hearing shall be required to uphold an appeal. A decision of the Board shall include findings of fact and conclusions of law and shall be reduced to writing. A copy of the decision shall be delivered to the employee, the department or agency head, and the Head of Human Resources. If the Board determines that the

Addendum No. 2

disciplinary action is inconsistent with personnel provisions, rules or regulations, or that it is manifestly unjust under the circumstances, it shall order the reduction or increase of disciplinary action or provide such other action as it deems appropriate.

- 2.14 BURDEN OF PROOF. The department or agency has the burden of going forward and presenting a prima facie case that there is cause for disciplinary action against a permanent employee pursuant to Rule 9.01(2). Thereafter, the employee has the burden of proof, by a preponderance of the evidence, that there is no cause for discipline, insufficient cause for the disciplinary action proposed or that the disciplinary action is otherwise manifestly unjust under the circumstances.
- 2.15 AMENDMENTS. Amendments to the statements of the charges shall be made and served upon the employee no later than three (3) working days before the hearing where practicable. For good cause shown, an employee substantially prejudiced by an amendment to the charges may receive a continuance at the discretion of the Board Chair. Nothing contained herein shall prevent management from bringing additional charges in a new statement of the charges where appropriate.
- 2.16 CONSOLIDATION AND SEVERENCE. The Board Chair shall have the discretion to consolidate or sever cases as he/she deems appropriate.

Addendum No. 3

CIVIL SERVICE BOARD

CITY OF JACKSONVILLE, FLORIDA

ADDENDUM NO. 3

BOARD PROCEDURE

- 3.1 MEETINGS. The Board shall determine the frequency, day and place of its meetings in order to best carry out the powers and duties entrusted to it by the Charter, provided the date and place of its meetings shall be determined and announced in such a way that all interested parties shall be given adequate notice and opportunity to attend such meetings. Setting of hearing dates and any subsequent postponements and rescheduling thereof shall be approved by the Chair.
- 3.2 MEETING DURATION. The Board shall recess/adjourn after no more than six (6) hours of meeting, including hearings and breaks.
- 3.3 QUORUM. Five (5) members of the Board shall constitute a quorum for the transaction of business.
- 3.4 AGENDA. The Board Chair shall approve the Board agenda. All matters shall be cleared through the Chair before being placed on the agenda. Emergency items may be subsequently placed on the agenda during a meeting at the discretion of the Chair.
- 3.5 MEETING MINUTES. All official actions of the Board and meetings shall be recorded in minutes prepared by the Board's staff, or orders prepared by the Board's attorney. Minutes shall include the time and place of each meeting of the Board, the names of the Board members present, all official acts of the Board and, when requested, a Board member's dissent with his/her reasons. Orders shall include the date of the hearing and findings of fact and conclusions of law. Minutes and orders covering formal action of the Board, or a true copy thereof, shall be open to public inspection.
- 3.6 CHAIR AND VICE CHAIR. The Board shall elect a Chair and Vice Chair by a majority vote of the members present to serve for one year terms. The Chair shall preside at all meetings of the Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of the Chair and the Vice Chair, the Chair of the Rules Committee shall preside.
- 3.7 COMMITTEES. The standing committee of the Board shall be the Rules Committee. All other committees are select committees.
- 3.8 COMMITTEE APPOINTMENTS. The Board Chair shall have the authority to appoint Board members to serve as members of the Rules Committee and any select committee. The Chair shall appoint the chair of the Rules Committee and the chair

Addendum No. 3

of any select committee. Committee appointments shall not be subject to challenge except by a two thirds (2/3) vote of the total membership of the Board.

- 3.9 RELAXED PROCEDURAL RULES. The Board is bound only by those rules of order, evidence or procedure in its meetings, hearings or investigations as the Board establishes, and the Board shall also follow Robert's Rules of Order during its Executive Session. The hearings conducted by the Board are not governed by strict rules of evidence.
- 3.10 EXECUTIVE SESSION. At the end of each hearing, the Board shall enter an Executive Session to deliberate and arrive at a decision. During Executive Session, each Board member shall be limited to a total of five (5) minutes per case for discussion purposes. The Chair may waive the five (5) minute limitation.
- 3.11 PUBLIC STATEMENTS PROHIBITED. Board members at all times shall refrain from making any statement, from issuing any communication or from issuing any news media release purporting to represent the actions or views of the Board.
- 3.12 PUBLIC COMMENTS. Members of the public are given a reasonable opportunity to be heard on propositions before the Civil Service Board. However, public comments on items before the Board requiring the body to act in a quasi-judicial role will not be allowed. Individuals wishing to speak at the appropriate time are encouraged to notify the Board Office prior to the meeting. Individuals may seek recognition from the Board Chair when the Chair opens the floor for public comments. Each speaker shall state their full name for the records and their comments shall be limited to five (5) minutes.

Addendums No. 4, 5, and 6

The following addendums are available upon request to the Civil Service Board:

Addendum 4 – Name Clearing Procedure

Addendum 5 – Court Reporter Services

Addendum 6 - Subpoenas

CIVIL SERVICE BOARD
CITY OF JACKSONVILLE, FLORIDA

ADDENDUM NO. 7

**DESIGNATED WHISTLEBLOWER COMPLAINT OF RETALIATION
HEARING PROCEDURE**

- 7.1 APPLICABILITY. Whereas the Civil Service and Personnel Rules and Regulations apply only to employees who are in the classified civil service system, Addendum No. 4 is the exception as it applies to any employees and other persons designated official whistleblowers pursuant to Section 602.505(1), Ordinance Code, for all departments and agencies of the consolidated government of the City of Jacksonville and its constitutional officers, districts and independent agencies as defined in Section 602.502, Ordinance Code, (the "employer"), whether or not such designated whistleblower is in the classified civil service system, exempt from the civil service system under Section 17.06 of the City Charter, a contract employee or other.
- 7.2 RETALIATION COMPLAINT PROCEDURE. A complaint of retaliatory action may be brought to the Civil Service Board by a designated whistleblower as a result of alleged adverse action as set forth in Section 602.503, Ordinance Code. All complaints of retaliatory action shall follow the below three (3) step procedure, unless otherwise agreed to in writing by the parties.

Step 1. If a disclosure by a designated whistleblower results in alleged retaliation by an employer, as defined by Section 602.503, Ordinance Code, the designated whistleblower may file a written complaint with the Whistleblower Official within 60 days after the retaliatory action occurs or within 60 days after the designated whistleblower knows or should have known of the retaliatory action. The Whistleblower Official shall within 5 days acknowledge receipt of the complaint and forward the complaint to the Civil Service Board for a hearing, along with confirmation that the complainant is a designated whistleblower.

Step 2. The Civil Service Board shall schedule a hearing to consider the complaint and shall notify the designated whistleblower, the department or agency head, and the Whistleblower Official, in writing, of the time and place of the hearing at least ten (10) working days prior to such date.

Step 3. The Board shall make findings of fact, conclusions of law and recommendations for a final decision and shall forward same to the appropriate Local Government Authority as defined in Section 602.502(5), Ordinance Code, for a final decision by the Local Government Authority.

Addendum No. 7

- 7.3 TIME LIMITS. Failure on the part of the designated whistleblower to file a complaint within 60 days to the Whistleblower Official shall be deemed a waiver of the right to a hearing. Failure on the part of the Whistleblower Official to forward the complaint to the Civil Service Board within the time frame specified shall not prevent the designated whistleblower from presenting his/her complaint to the Board.
- 7.4 PUBLIC HEARING. All hearings shall be open to the public.
- 7.5 REPRESENTATION. The designated whistleblower, at his/her election, may be represented by counsel.
- 7.6 SUBPOENAS. Subpoenas requiring the attendance of witnesses or production of records at a hearing shall be issued upon the written request of either party. Service of process and the furnishing of witness fees shall be the responsibility of the requesting party. All requests for subpoenas shall be made at least ten (10) calendar days prior to the hearing date and shall state the names and addresses of the witnesses for whom the subpoenas are to be issued and the date and time of the hearing for which the witnesses are to appear.
- 7.7 CONTINUANCES. The Chair of the Civil Service Board may exercise discretion to grant a continuance of a hearing for good cause shown, or upon stipulation of both parties. Requests for continuances shall be made in writing. Except in cases of emergencies, requests for continuances should be made at least three (3) working days prior to the date of the hearing.
- 7.8 NOTIFICATION OF WAIVER/FAILURE TO APPEAR. A designated whistleblower who elects to have a hearing concerning his/her complaint and who subsequently decides to waive his/her right to a hearing shall notify the Board of such decision prior to the scheduled hearing. A designated whistleblower who fails to appear at the hearing waives the right to his/her complaint.
- 7.9 RECORDATION. The Civil Service Board shall provide for a certified court reporter to preserve the testimony at each hearing; however, any party who desires a transcript of the testimony shall order the same at the party's own expense.
- 7.10. LEGAL SUFFICIENCY. Prior to the hearing on the merits, the Board may test the legal sufficiency of the complaint and may dismiss such complaint if it is untimely filed or otherwise dismissible as a matter of law.
- 7.11 EVIDENCE. The hearing is not governed by strict rules of evidence and other rules governing the judiciary. Any relevant evidence is admissible if it is the sort of evidence on which reasonable, prudent persons customarily rely. Hearsay evidence may be used to supplement or explain other evidence. Irrelevant and unduly repetitious evidence may be excluded.

Addendum No. 7

At least 48 hours prior to the hearing the parties must submit a prehearing stipulation along with all documents to be considered by the Board, which documents must be sequentially numbered. If the parties are unable to reach agreement on the prehearing stipulation, each party must submit his/her own.

7.12 WITNESSES.

7.12.1 All witnesses shall be sworn or affirmed and subject to examination and cross-examination by the parties. The Chair shall have the authority to control the order and duration of direct and cross-examination so as to provide efficiency in the hearing process, but still provide a fair opportunity for the presentation of evidence.

7.12.2 After the close of the examination of a witness by both parties, the witness is subject to examination by the Board. Subsequent to the Board's examination, the witness shall not be subject to further examination by the parties, except when the party has reserved the right to recall the witness.

7.12.3 After both parties have completed their cases, the Board shall have the right to call any witnesses whose testimony could be relevant to the issues. Any witnesses called by the Board shall be subject to cross-examination by both parties limited to the issues raised by the Board.

7.13 RIGHTS OF PARTIES/SEQUESTERING OF WITNESSES. Each party shall have the following rights: To present evidence relevant to the issues; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to require that all witnesses testifying remain outside the hearing room, except for the witness testifying, the representative of the department or agency, and the designated whistleblower.

7.14 OPENING AND CLOSING STATEMENTS. The parties may be granted such limited opening and closing statements as the Chair deems appropriate. Opening statements shall be limited to three (3) minutes, and closing statements should be limited to five (5) minutes, absent extraordinary circumstances.

7.15 AFFIRMATIVE DEFENSE. In accordance with Section 602.506(3), Ordinance Code, and Florida Statute § 112.3187, it shall be an affirmative defense to any complaint brought pursuant to this part that the adverse personnel action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by Chapter 602, Part 5, Ordinance Code.

7.16 BURDEN OF PROOF. The designated whistleblower has the burden of proof of establishing, by a preponderance of the evidence, that the employer took adverse retaliatory action against the designated whistleblower, which adverse action is prohibited by Chapter 602, Part 5, Ordinance Code.

Addendum No. 7

- 7.17. BOARD DELIBERATION; DECISION. After the conclusion of the closing statements, if any, the Board should begin its deliberation in Executive Session which shall be open to the public. Neither party shall be permitted to interject any arguments or statements during the course of the deliberation process. A majority vote of those Board members attending a hearing shall be required to recommend a finding of retaliatory action by the employer against the designated whistleblower. Any recommended decision of the Board shall include findings of facts and conclusions of law and shall be reduced to writing and delivered to the designated whistleblower, the department or agency head, and to the Local Government Authority for a final decision.
- 7.18 CONSOLIDATION; SEVERENCE. The Board Chair shall have the discretion to consolidate or sever cases as he/she deems appropriate.
- 7.19 RELIEF. Upon a finding that the employer has taken retaliatory action against a designated whistleblower, the Board must consider all remedies pursuant to Florida Statute § 112.3187(9) in making its recommended decision to the Local Government Authority.

Advisory 1

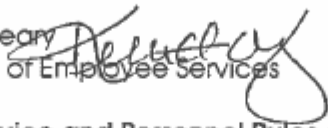
Formerly Revised: October 1, 2010

Replaces Advisory #1, dated July 20, 1995 and Advisory #4, dated April 11, 1997

MEMORANDUM

September 1, 2016

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Kelli O'Leary 
Director of Employee Services

SUBJECT: **Civil Service and Personnel Rules and Regulations Advisory #1**
Filling Vacancies - Clarification of Rules

Pursuant to the General Provisions, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretation of Rules 4 and 5 are provided. The following information is given to clarify procedures for filling vacancies within the scope of the Civil Service and Personnel Rules and Regulations.

Internal Recruitment

Priority 1 is the means by which permanent employees in the promotionally eligible class (es) within the City or JEA or Duval County School Board compete for available positions.

A Priority 1 applicant must have at least twelve (12) months satisfactory service in his/her present position immediately prior to the examination date to apply for an examination. The Head of Human Resources may waive the twelve (12) months satisfactory service requirement for extenuating circumstances. An applicant must also meet the promotional requirements by the date of the exam in order to qualify as a Priority 1 candidate, unless specified otherwise on the job specification. Only Civil Service employees who meet both of these requirements are eligible to compete on a Priority 1 basis.

For classifications involved in a reduction in force that have more than a one year promotional requirement in classification (e.g. 2 or 3 years), time previously served will count IF the applicant met the promotional eligibility requirement(s) prior to the reduction in force demotion AND has served 12 months of satisfactory service immediately prior to the test date in the promotionally eligible class since being restored to that classification. Meaning, an applicant impacted by a reduction in force who previously met the promotional requirements for the higher class will be eligible as long as the twelve (12) month satisfactory service requirement is met since the applicant was restored to the class held prior to the reduction in force. Seniority points will be calculated from the date the employee was restored to the eligible class.

Advisory 1

Priority 2 is another means of internal recruitment and City employees within the department who are not eligible on a Priority 1 basis but who meet the open requirements are eligible to apply. As stated under the definition of "City Employee" appointments made from a Priority 2 eligible list shall not be considered a promotion with reversion rights and must serve an original probationary period. A Priority 2 applicant must have worked at least 1040 hours in the twelve month period immediately preceding the examination date and have satisfactory service prior to the examination date to apply for the examination. One or both of these requirements for Priority 2 employees may be waived if mutually agreed upon between the department head and the employee with the approval of the Head of Human Resources.

An employee who has demoted to a lower class, other than due to a reduction in force, is no longer in the line of promotion until he/she has served for twelve (12) months of satisfactory service in his/her present position immediately prior to the examination date; therefore, ineligible to compete on a Priority 1 basis. However, the employee may be able to compete on a Priority 2 basis if the employee meets the open requirements and obtains approval as outlined in Rule 4.02(1)(d).

Priority 2 should be used when (1) there are no Priority 1 candidates, or (2) when the Head of Human Resources determines there is an insufficient pool of Priority 1 candidates. Labor class positions may be filled automatically by temporary employees in accordance with the rules.

With the approval of the Head of Human Resources, external and internal recruitment may occur simultaneously. Similarly, Priority 1 and Priority 2 recruitment may also occur simultaneously. However, once a position has been advertised to the public, Veterans' Preference laws apply. For this reason, advertising both internally and externally will only be approved under certain circumstances.

Once a Priority 2 eligibility list has been established for a specific class, the department may fill vacancies from that list until it has been exhausted or declared depleted by the Head of Human Resources. The department may not request Priority 2 recruitment again for that class for one year from the certification date of the Priority 2 eligibility list, unless Priority 1 is used again.

Any Priority 2 candidates who remain on the Priority 2 eligibility list at the end of 90 calendar days may be placed on the external eligibility list for the classification and will be valid for an additional 275 days from the date it is certified in accordance with Rule 5.02(4).

When a Priority 2 eligibility list has been exhausted or declared depleted, and further vacancies occur within the one calendar year period, the department shall use external recruitment to fill those vacancies.

Advisory 1

External Recruitment

Departments should try to fill vacancies by internal recruitment prior to advertising externally, except for classes where there is no established line of promotion, in which case, the department may use external recruitment. City employees may apply for these positions when advertised externally.

Once an external list is created, departments should exhaust or declare depleted the external list prior to posting internal unless Priority 1 candidates become eligible during the life of the external list. In such cases, the department may request another Priority 1 exam. In all cases, veterans on the external list must be considered prior to selecting anyone from the Priority 1 eligibility list.

All external recruitment must be filled in accordance with Rule 4.02(2)(a).


Advisory 2

Reviewed and Revised: October 1, 2010
Replaces Advisory #6, issued December 11, 1998

MEMORANDUM

October 1, 2010

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Chad Poppell 
Chief of Human Resources

SUBJECT: **CSPRR Advisory #2**
Layoff/Demotions/Reemployment - Clarification of Rules &
Classification Date

Pursuant to the General Provisions, Duties and Responsibilities (0.4) of the Civil Service and Personnel Rules and Regulations, Rules 5 and 7 are interpreted as follows:

The order of layoff as described in these rules is based on the employee's classification date. This is the date that the employee entered into a job class regardless of the type of appointment (initial hire, promotion, reassignment, demotion). Provisional status does not count toward the class date.

Employees who are in a higher level within the class series identified for layoff will have their classification date used for lower level jobs within the class series. Class series is defined as: An arrangement of classes within the same line of work by ascending levels of skill, effort and responsibility which provides a natural line of progression from the lowest level to the highest level in the series. Class series are generally identified within the job specifications through promotional requirements. Time served in a higher class within a class series will count as time served in the lower class. This includes time served as an appointed employee or official. If an employee's position is reclassified as a result of a reorganization, and continuation of similar work, the original class date will remain.

In order to best serve permanent employees who have been identified for demotion or layoff, members of the Human Resources Division will meet with the affected employees to explain their rights to reemployment and to obtain completed employee profiles and resumes to identify their qualifications for available positions within the City. At the time of layoff, the appointing official or designee with the approval of the Chief

of Human Resources may determine that the employee will receive pay in lieu of working for the period of time from notification to lay off date.

The names of eligible employees identified for layoff or demotion will be placed on a Layoff/Demotion eligibility list ranked by classification date at the time of the demotion or layoff. The Layoff/Demotion eligibility list shall be used for reinstatement appointments in the same class within the competitive area of former employees who were laid off or demoted.

In addition, affected employees may also request to have their names placed on Layoff/Reemployment lists for comparable or lower level classes for which they qualify to be considered for employment. Placement on such lists will take into consideration such factors as class series, existing eligibility lists, job performance, length of service, education, training, experience, physical requirements, essential functions of the job, appropriate accommodation and organizational needs. Layoff/Reemployment eligibility lists will be prepared in accordance with Rule 7.03 (9).

When a vacancy occurs, the department shall consider individuals on existing Layoff/Demotion and then the Layoff/Reemployment eligibility lists in accordance with applicable civil service rules. Reinstatement appointments from the Layoff/Reemployment eligibility list can be made to comparable or lower level classes citywide of former permanent employees who were laid off or demoted.

This advisory does not apply to JEA employees.

Advisory 3

Reviewed and Reissued: October 1, 2010
Replaces Advisory #5, issued September 22, 1997

MEMORANDUM

October 1, 2010

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Chad Poppell 
Chief of Human Resources

SUBJECT: **CSPRR Advisory #3**
Interpretation of JEA's Duties and Responsibilities under the Civil
Service and Personnel Rules and Regulations

Pursuant to the General Provision, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretations are provided to clarify the division of authority and responsibility between City and the Jacksonville Electric Authority through their respective Personnel and Human Resource functions with respect to the administration of the Civil Service and Personnel Rules and Regulations.

The authority of the City Personnel Division to "establish the personnel policy of the consolidated government by civil service and personnel rules and regulations adopted by the personnel department in accordance with this charter and the ordinance of the city," is set forth in Section 17.05(d) of the Charter and is not affected by this interpretation of the Civil Service and Personnel Rules and Regulations.

General Provisions

Pursuant to the provisions of the City Charter, the Jacksonville Electric Authority has independent authority and responsibility for personnel functions related to JEA personnel. In accordance with that authority and responsibility, the Scope and Purpose of these Rules, Section .01 of the General Provisions, is hereby interpreted to pertain to Civil Service positions and employees within the consolidated City of Jacksonville, herein called "City", and the Jacksonville Electric Authority, herein called "JEA", as authorized by the City Charter and the Jacksonville Ordinance Code.

Similarly, the Statement of Policy, Section .02 of the General Provisions is interpreted to establish the Personnel Policies of the City and the JEA by the Civil Service and Personnel Rules and Regulations.

The duties and responsibilities indicated in Section .04 of the General Provisions as applicable to the "Head of Personnel" are the responsibilities included in the charter or ordinance code relative to the respective personnel functions of the City and the JEA. In accordance with the JEA's independent authority and responsibility under the charter for JEA personnel functions, the term "Head of Personnel" shall be interpreted to refer either to the Head of Personnel of the City or to the Head of Personnel of the JEA for matters covering employees of the JEA, unless expressly provided otherwise in this Advisory. The authority to issue written interpretations to clarify the intent or application of any provision of these rules shall be interpreted as referring only to the Head of City Personnel, not to the Head of Personnel of the JEA.

With respect to application of the Rules, this interpretation includes, but is not limited to, the following:

- **Rule 1 – Position Classification:** The Head of Personnel of the JEA shall have responsibility for adopting, amending, or modifying the position (job) classification plan for the JEA. All original position descriptions for JEA classifications shall be filed in JEA Personnel.
- **Rule 2 – Compensation:** With respect to JEA employees, the Head of Personnel of the JEA shall have the responsibilities assigned by this Rule to the Head of Personnel.
- **Rule 3 – Recruitment:** The Head of JEA Personnel shall be interpreted to have all responsibilities set forth in this Rule related to recruitment for civil service vacancies in the JEA.
- **Rule 4 – Application and Examination:** The Head of JEA Personnel shall be interpreted to have all responsibilities set forth in this Rule related to application and examination procedures covering civil service positions in the JEA.
- **Rule 5 – Eligibility Lists:** The Head of JEA Personnel shall be interpreted to have all responsibilities under this Rule related to the establishment and use of Eligibility Lists for filling civil service positions in the JEA.
- **Rule 6 – Appointments, Status and Transfers:** The Head of JEA Personnel shall be interpreted to have all responsibilities under this Rule for appointments, status and transfers of JEA civil service employees.
- **Rule 7 – Separations and Layoffs:** The Head of JEA Personnel shall be interpreted to have all responsibilities under this Rule related to separations and layoffs of JEA civil service employees.
- **Rule 8 – Attendance and Leave:** The Head of JEA Personnel shall be interpreted to have all responsibilities under this Rule related to matters affecting attendance and leave for JEA civil service employees.
- **Rule 9 – Disciplinary Actions, Grievances and Appeals:** The Head of JEA Personnel shall be interpreted to have responsibility under this Rule to receive and decide

grievances of permanent JEA civil service employees and/or prospective JEA civil service employees related to promotion and/or hiring and shall authorize JEA's standard range of penalties prior to filing with the Civil Service Board. Notice required to be filed under this Rule shall be filed with the Head of JEA Personnel where applicable to JEA civil service employees.

- **Rule 10 – Personnel and Related Programs, Records and Reports:** The Head of JEA Personnel shall be interpreted to have responsibility for record-keeping requirements under this Rule as they related to JEA civil service employees.

Definitions


- The term "Head of Personnel" shall be interpreted to apply to the Head of JEA Personnel with respect to application of these Rules to the JEA and its employees and shall apply to the Head of City Personnel with respect to application to all other civil service employees of the consolidated government.
- The term "Personnel Function" shall apply to that function within the City or the JEA as warranted by the context.
- The term "City Employee" includes JEA contract employees.

Reviewed and Reissued: October 1, 2010
Replaces Advisory #6, issued December 11, 1998

MEMORANDUM

October 1, 2010

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Chad Poppell 
Chief of Human Resources

SUBJECT: **CSPRR Advisory #4**
Interpretation to Clarify the Division of Authority and Responsibility
Between the City and the Duval County School Board

Pursuant to the General Provision, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretations are provided to clarify the division of authority and responsibility between City and the Duval County School Board through their respective Personnel and Human Resource functions with respect to the administration of the Civil Service and Personnel Rules and Regulations.

The authority of the City Personnel Division to "establish the personnel policy of the consolidated government by civil service and personnel rules and regulations adopted by the personnel department in accordance with this charter and the ordinance of the city," is set forth in Section 17.05(d) of the Charter and is not affected by this interpretation of the Civil Service and Personnel Rules and Regulations.

General Provisions

Pursuant to the revisions to the City Charter effectuated by the City Council's passage of Ordinance 98-624, the Duval County School Board is not required to use the City's Division of Human Resources. Accordingly, the DCSB is authorized to assume all responsibilities for recruitment, examining, classification and compensation with regard to its own employees effective October 1, 1998. In accordance with that authority and responsibility, the Scope and Purpose of these Rules, Section .01 of the General Provisions, is hereby interpreted to pertain the Civil Service positions and employees within the consolidated City of Jacksonville, herein called "City", and the Duval County School Board, herein called "DCSB", as authorized by the City Charter and the Jacksonville Ordinance Code.

Advisory 4

Similarly, the Statement of Policy, Section .02 of the General Provisions is interpreted to establish the Personnel Policies of the City and the DCSB by the Civil Service and Personnel Rules and Regulations.

The duties and responsibilities indicated in Section .04 of the General Provisions as applicable to the "Head of Personnel" are the responsibilities included in the charter or ordinance code relative to the respective personnel functions of the City and the DCSB. In accordance with the DCSB's authority and responsibility for DCSB personnel functions, the term "Head of Personnel" shall be interpreted to refer either to the Head of Personnel of the City or to the Head of Personnel of the DCSB for matters covering employees of the DCSB, unless expressly provided otherwise in this Advisory. The authority to issue written interpretations to clarify the intent or application of any provision of these rules shall be interpreted as referring only to the Head of City Personnel, not to the Head of Personnel of the DCSB.

With respect to application of the Rules, this interpretation includes, but is not limited to, the following:

- **Rule 1 – Position Classification:** The Head of Personnel of the DCSB shall have responsibility for adopting, amending, or modifying the position (job) classification plan for the DCSB. All original position descriptions for DCSB classifications shall be filed in DCSB Personnel.
- **Rule 2 – Compensation:** With respect to DCSB employees, the Head of Personnel of the DCSB shall have the responsibilities assigned by this Rule to the Head of Personnel.
- **Rule 3 – Recruitment:** The Head of DCSB Personnel shall be interpreted to have all responsibilities set forth in this Rule related to recruitment for civil service vacancies in the DCSB.
- **Rule 4 – Application and Examination:** The Head of DCSB Personnel shall be interpreted to have all responsibilities set forth in this Rule related to application and examination procedures covering civil service positions in the DCSB.
- **Rule 5 – Eligibility Lists:** The Head of DCSB Personnel shall be interpreted to have all responsibilities under this Rule related to the establishment and use of Eligibility Lists for filling civil service positions in the DCSB.
- **Rule 6 – Appointments, Status and Transfers:** The Head of DCSB Personnel shall be interpreted to have all responsibilities under this Rule for appointments, status and transfers of DCSB civil service employees.
- **Rule 7 – Separations and Layoffs:** The Head of DCSB Personnel shall be interpreted to have all responsibilities under this Rule related to separations and layoffs of DCSB civil service employees.

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- **Rule 8 – Attendance and Leave:** The Head of DCSB Personnel shall be interpreted to have all responsibilities under this Rule related to matters affecting attendance and leave for DCSB civil service employees.
- **Rule 9 – Disciplinary Actions, Grievances and Appeals:** The Head of DCSB Personnel shall be interpreted to have responsibility under this Rule to receive and decide grievances of permanent DCSB civil service employees and/or prospective DCSB civil service employees related to promotion and/or hiring and shall authorize DCSB's standard range of penalties prior to filing with the Civil Service Board. Notice required to be filed under this Rule shall be filed with the Head of DCSB Personnel where applicable to DCSB civil service employees.
- **Rule 10 – Personnel and Related Programs, Records and Reports:** The Head of DCSB Personnel shall be interpreted to have responsibility for record-keeping requirements under this Rule as they related to DCSB civil service employees.


Definitions

- The term "Head of Personnel" shall be interpreted to apply to the Head of DCSB Personnel with respect to application of these Rules to the DCSB and its employees and shall apply to the Head of City Personnel with respect to application to all other civil service employees of the consolidated government.
- The term "Personnel Function" shall apply to that function within the City or the DCSB as warranted by the context.

MEMORANDUM

September 1, 2016

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Kelli O'Leary, Director 
Employee Services Department

SUBJECT: **CSPRR Advisory #5**
Veterans' Preference in Retention and Placement Processes

Pursuant to the General Provision, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretations are provided in regards to veterans' preference in the retention and placement process.

Florida Statute (F.S.) 295 and Florida Administrative Code (F.A.C.) Chapter 55A-7 afford veterans' preference eligible employees certain rights during a reduction in force. This process applies to all civil service reductions in force. Veterans' preference law does not require an employer to utilize a numerically based selection process to determine how preference is given for purposes of retention and placement of employment. If an employer decides to use a numerically based selection process, the law does not dictate how the process should be applied. For this reason, this advisory was created to be applied to City of Jacksonville employees only. JEA and the Duval County School Board may use this policy, portions thereof, or adopt their own.

The following guidelines are hereby established to define the retention, placement, and reemployment process for employees eligible for veterans' preference within the competitive area.

I. Civil Service

A. Retention – the numerically based selection process will be as follows:

1. Employee Services will request DD214s or other applicable documentation from employees claiming veterans' preference at time of announcing a layoff. Employees must provide proof of veterans' preference within 7 calendar days of such notification.
2. Employee Services will rank order by classification date employees within the affected area (last in – first out); total service expressed in days.

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3. Six (6) months of satisfactory service, expressed in days, will be deducted from total classification seniority for written discipline, dated within two (2) years of the layoff date, filed in the employee's personnel file and accepted by the employee, or imposed by Arbitration or the Civil Service Board per Rule 7.03
4. Five percent (5%) of total time served in classification (calculated on a day for day basis) is added to the classification date of a veteran or a current member of any reserve component of the U.S. Armed Forces or the Florida National Guard as described in F.S. 295.07(1)(f) or (g).
5. Ten percent (10%) of total time served in classification (calculated on a day for day basis) is added to the classification date of wartime veterans, the unremarried widow or widower of a veteran who died of a service-connected disability or the mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions as described in F.S. 295.07(1)(c), (d) or (e) and F.A.C. 55A-7.008(3, 4 and 5).
6. Fifteen percent (15%) of total time served in classification (calculated on a day for day basis) is added to the classification date of disabled veterans or the spouse of a totally disabled veteran as described in F. S. 295.07(1) (a & or b) and F.A.C. 55A-7.008(1 & 2).
7. In the event of a tie in ranking, veterans shall be retained over non-veterans as described in Rule 7.03(5)(b)(3). In the event of a tie among veterans, veterans who were awarded the highest percentage will be retained. When ties continue to exist, ties for veterans will be conducted in accordance with Employee Services tie breaking procedure for exams.
8. A qualified veteran that has a 30% or more service-related disability shall be retained over all others in the classification unless the entire classification is being eliminated (F.S. 295.08). ***This does not apply to positions in a professional or technical field.***

Note: Points are awarded by level of preference and are not cumulative.

B. Placement - the non-numerically based selection process will be as follows:

If a preference eligible employee is identified as the employee to be laid-off, the person shall be afforded preferential placement efforts among those impacted in the retention process to include interviews for at least three vacancies, if available, in comparable or lower level vacant positions for which the veteran is qualified. Affected veterans will interview prior to non-veterans (non-veterans are not guaranteed interviews) for positions that the veteran and non-veteran are interested in and similarly qualified. Non-veterans will only be interviewed if the veteran's interview is unsuccessful.

C. Reemployment - the non-numerically based selection process will be as follows:

Advisory 5

Civil service employees may be placed on layoff/demotion and/or layoff/reemployment lists. Layoff/demotion lists are numerically based and therefore use the classification date converted to days which will incorporate veterans' preference as stated in I.A.4&5 above. Layoff/reemployment lists are not numerically based. Veterans' preference will be denoted in accordance with F.S. 295.085 and F.A.C. 55A-7.011.

II. Out of Order Layoff Process

- A. An out of order layoff process may be used when it is necessary to retain an employee or employees who have critically necessary special experience, training or skill related to the position.
- B. The out of order layoff process shall only be used when authorized by the Head of Human Resources and shall be administrated in accordance with Rule 7.03 (6). All employees within the competitive area will be required to provide an updated profile during a reduction in force. In all cases, when there is a tie between a veteran and a non-veteran, the veteran shall be retained.

III. Due Process

The following notice will be given to all veterans impacted by a reduction in force:


Preference eligible employees who believe they have not been shown preference during a reduction in force shall be afforded the right to an investigation by the Department of Veterans Affairs if an equally qualified, non-preference eligible employee is retained. A request for investigation should be sent within 21 calendar days of notice of layoff or demotion and addressed to the Department of Veterans Affairs at 9500 Bay Pines Blvd., Room 214, St. Petersburg, Florida 33708. **See Florida Administrative Code 55A-7.016.**

Advisory 6

MEMORANDUM

September 1, 2016

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Kelli O'Leary 
Director of Employee Services

SUBJECT: **CSPRR Advisory #6**
Rule of Three

Pursuant to the General Provision, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretation is provided to clarify language in Rule 5.02 (17) pertaining to the Rule of Three.

The Rule states the following: When filling a vacant position which has been designated by the Head of Human Resources as being immediately below in rank to that of an appointed or elected official, or positions which serve as immediate assistants to appointed or elected officials, or for all managerial and confidential positions as defined in the Florida Statue 447, the top three (3) names on the internal eligibility list shall be certified to the appointed authority; if only two (2) names remain on the internal eligibility list, both names shall be certified; if there is only one (1) name remaining on the internal eligibility list and no additional employees have become eligible since the last examination, or if only one (1) employee is eligible to fill the vacancy on a promotional basis, an external examination may be administered. In a department or agency that does not have appointed positions in rank immediately below an elected official, such class must be so designated and approved by the Head of Human Resources prior to the requested internal examination. When an employee is not selected he or she must be provided a written statement telling them why they were not selected.

The Rule of Three will be applied in accordance with procedures established by the using agencies to include application of the use of the Rule of 3 and notification to candidates not selected but higher on the eligibility list.

In all cases where the Rule of Three is used to select the employee who is not the top employee on the eligibility list, the employee who was not selected shall be notified prior to the selected employee's promotion date, advised of why, and told that he/she could appeal the decision to the Head of Human Resources within ten (10) working days as defined in the Rules.

Advisory 6


The promotion for the selected employee shall not occur until after the period to appeal the decision has elapsed. If the non-selected employee appeals the decision to the Head of Human Resources, the promotion for the selected employee cannot occur until the Head of Human Resources makes a ruling on the selection decision. The Head of Human Resources' ruling is final.

Advisory 7

MEMORANDUM

September 1, 2016

TO: Elected Officials, Appointing Authorities, Department Heads,
Division Chiefs and Independent Agencies

FROM: Kelli O'Leary 
Director of Employee Services

SUBJECT: **CSPRR Advisory #7**
Removal of Names from Eligibility Lists

Pursuant to the General Provision, Duties and Responsibilities (.04) of the Civil Service and Personnel Rules and Regulations, the following interpretation is provided to clarify language in Rule 5.03 (1) (k) pertaining to the **Removal of Names from Eligibility Lists** when unsatisfactory performance involving final/permanent discipline that has been administered and accepted has occurred during the previous twelve (12) months.

The Rule states the following: If an employee whose conduct at any time during the previous twelve (12) months has been unsatisfactory and has resulted in final/permanent discipline, suspension or reduction in pay (not including oral or written counseling or written reprimand) which was accepted by the employee or confirmed by the Civil Service Board or the collective bargaining process; provided, however, that such removal shall not extend beyond twelve (12) months or the expiration of the list whichever occurs first.

At the time an employee on the eligibility list is next to promote when a vacancy occurs, if he/she has received final/permanent discipline during the previous twelve (12) months in accordance with the language in the above paragraph the employee will be ineligible for selection from the eligibility list. The promotion will be offered to the next person on the ranked eligibility list, unless the position may be filled by the Rule of Three in which case those provisions shall apply.

Once twelve (12) months have elapsed after the employee was ineligible for selection from the list or the date of the discipline acceptance or Civil Service Board or collective bargaining process decision, whichever is sooner, the person will then become eligible for the next promotional opportunity that occurs, if any, providing the eligibility list is still active at that point. In the event that a promotional opportunity/vacancy does not occur again during the life of the eligibility list and the list expires, the person will forfeit promotional opportunities from that eligibility list.

If an employee has an administered but not yet accepted or confirmed discipline and is next for consideration for promotion, he/she will still be eligible for consideration. However, it is the department head's discretion whether to promote the employee or to delay such promotion until the discipline matter is resolved.