CIVIL SERVICE RULES

02/2011

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RULE I

PERSONNEL BOARD ORGANIZATION AND DUTIES

Section A. Personnel Board Appointments

As provided in Section 141 of the Charter, there shall be a Personnel Board consisting of six (6) members who shall be appointed as follows:

1. One member by the Mayor (without approval of the City Council) designated as Group A.
2. One member by the City Council designated as Group B.
3. One member by the City Council designated as Group C.
4. One member elected by the employees designated as Group D.
5. One member elected by the employees designated as Group E.
6. One member by the Mayor with the approval of the City Council who shall be designated the alternate.

No member of the Personnel Board shall be an employee of the City of North Miami. Employee shall mean the employees of the City of North Miami with civil service status. The terms of office of the Personnel Board members shall run from the second Tuesday in June commencing in 1971 and the initial term of Group A shall be one (1) year; Group B, two (2) years; Group C, three (3) years; Group D, two (2) years. Group E, three (3) years, with all successive appointments for three (3) years.
The Alternate shall be appointed for a term of three (3) years which shall commence the second Tuesday in June commencing in 2009.

Section B. Employee Members Election.

The Personnel Director shall provide rules, regulations and procedures in connection with election of the two (2) members to the Board of the City of North Miami employees.

Section C. Removal and Vacancies

1. Removal – any member of the Personnel Board who has two consecutive unexcused absences from the monthly Personnel Board meetings shall be notified of their removal from the Personnel Board. The Chairman shall determine whether an absence is excused. Upon notification of their pending removal, the affected member shall have ten days, from the date of the notice, to file good cause why they should not be removed from the Board. The Personnel Board shall consider the reason given at their next scheduled meeting. The Personnel Board shall vote to reinstate a removed member once there has been a proposed filing of good cause. If no good cause is filed within the ten days, the member shall be immediately removed from the Personnel Board.
2. Vacancies- shall be filled in the same manner as original appointments were made and shall be for the unexpired term of the member whose position is vacated.

Section D. Personnel Board Member Qualifications

As provided in Section 142 of the City Charter, each member of the Personnel Board shall meet the following qualifications:

1. He or she shall be qualified elector of the City.
2. He or she shall be known to be in sympathy with the merit principle as applied to Civil Service.

Section E. Personnel Board: Compensation

As provided in Section 143 of the City Charter, members of the Board may be allowed compensation as shall be determined by ordinance for each meeting devoted to the work of the Board.

Section F. Organizational Meeting of the Personnel Board

Immediately after the selection and installation of a new member, the Board shall meet for organization. At said meeting the Board shall:

1. Elect one of its members Chairman, who duties shall be:

    a. To call meetings of the Board.
    b. To preside at all Board meetings, public hearings and appeal hearings.
    c. To perform such other duties as the board may designate or may otherwise be necessary.

2. Elect one of its members Vice-Chairman whose duties shall be:

    a. Assume the duties of the Chairman when the Chairman is absent.
    b. To perform such other duties as the Chairman may designate or may otherwise be necessary.

3. Determine such other policies as may be necessary to the orderly execution of its duties.

Section G. Duties and Powers of the Personnel Board

1. Section 137. Merit basis of Appointment. Appointments and promotions in the administrative service of the City shall be made according to the merit and fitness to be ascertained, so far as practicable, by competitive examination.

2 Section 144. Powers and Duties.

The Board shall have the power and be required to:

a. Advise the Personnel Director on problems concerning Personnel Administration.
b. Advise and assist the Personnel Director in fostering the interest of institutions of learning, civic, professional and employee organizations in the improvement of personnel standards in the municipal service.
c. Make any investigation which it may consider desirable concerning the administration of personnel in the municipal service, and report to the City Manager at least once each year its findings, conclusions, and recommendation. Investigations shall be conducted by the Board as a body and only with the consent of the body.
d. Hear appeals of employees in the Classified Service as provided in these Rules, and report in writing to the City Manager its findings and recommendations.
e. Review the activities of the Personnel Director and recommend changes in accordance with their findings.

3. Section 145. Rules

a. The Board shall have the power to approve or reject, wholly or in part, rules recommended by the Personnel Director or to modify and approve them as so modified subject to the following limitations:
   (1) No final action may be taken until after a public hearing has been held.
   (2) If no action is taken within sixty (60) days after the date such rules are recommended by the Personnel Director, they shall be transmitted to the City Manger for filing with the Council.

b. The Board shall have the power to amend, repeal, or add to the Rules on recommendation of the Personnel Director or on its own initiative subject to the following limitations:
   (1) No final action may be taken until after a public hearing has been held.
   (2) If no action is taken within sixty (60) days after the date such rules are recommended by the Personnel Director, they shall be transmitted to the City manager for filing with the Council.
   (3) No Rule may be amended or repealed and no rule may be added within thirty (30) days after promulgation of the proposed amendment, repeal or addition.

4. Section 147. Classification.

The Board shall have the power to:

a. Approve or reject, wholly or in part, the classification plan recommended by the Personnel Director or to modify the plan and approve it as modified subject to the following:

   (1) No final action may be taken until after a public hearing has been held.
   (2) If the Board does not adopt or disapprove the plan by resolution, it shall take effect on the thirtieth (30) day after it is submitted to the Board.

b. Approve changes in the classification plan subject to the following limitations:

   (1) No final action may be taken until after a public hearing has been held.
   (2) If the Board does not adopt or disapprove changes by resolution, the changes shall take effect on the thirtieth (30) day after it is submitted to the Board.
   (3) No change in the classification plan may be made within thirty (30) days of the date of its promulgation.

c. Hear appeals of employees affected by the allocation or reallocation of a position to a class or by any other changes in the classification plan, upon the filing of a written request for hearing with the Personnel Department.

5. Section 151. Oaths.

Any member of the Board shall have the power to administer oaths for the purpose of administering the personnel provisions of the City Charter and these rules.

Section H. Personnel Board Meetings

All regular and special meetings, appeal hearings and public hearings of the Board shall be open to the public.

1. Regular Meetings: Regular meeting dates shall be established at the discretion of and by rule of the Board. Dates of meetings shall be announced by public notice.

2. Special Meetings: Special meetings shall be held as often as shall be necessary for orderly dispatch of the Board's business. Special meetings of the Board may be called by the Chairman or upon demand of any two (2) members, but only after reasonable notice shall have been given to all members, to representatives or employee groups and to the public.

3. Appeal Hearings: Meetings to hear appeals shall be called by the Chairman upon receiving a written request through the Personnel Department. Reasonable notice shall be given the appellant, witnesses and to officers and employees of the City offering testimony pertinent to the case.

4. Public Hearings: Notice of public hearings shall be given by mailing or delivering a copy of said notice to the City Council, appointing authorities, City departments for posting, employee organizations and posting a copy on the bulletin board near the offices of the Personnel Department, at least three (3) days prior to such hearing.

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

   a. Roll Call.
   b. Special Orders of Business.
   c. Reading of the Minutes.
   d. Unfinished Business.
   e. New Business.

6. Board Proceedings: The Chairman shall conduct all meetings of the Board but in his or her absence the Vice-Chairman shall act as Chairman pro tem. Any three (3) members of the Board shall constitute a quorum, but an affirmative vote of not less than three (3) members shall be required for the determination of all business.

   Roberts Rules of Order, except as may be modified by a majority vote of the Personnel Board, shall govern all proceedings.

Section I. Personnel Board – Records

1. Public Records: The minutes of the Board meetings, the Rules and the classification plan approved by the Board shall be considered public records.

2. Filing of Records: The official records of the Board shall be filed with the Personnel Department which shall be charged with their safekeeping and making same available to the public regular business hours.

3. Board Minutes: The Personnel Department shall insure that all Personnel Board Meeting minutes are properly recorded and maintained as a permanent record and kept on file in the Personnel Department. The Board's Minutes shall include the following specified matters:

a. The meeting date.
b. Members present.
c. Each official act and the vote of each member thereon except when unanimously adopted.
d. Appeals resulting from separation, demotion, suspension, application rejection, removal from eligible lists, leave requests, compulsory leave, etc., and the official action of the Board for each such appeal.
e. Exemptions from competitive examinations in the case of special or exceptional appointments along with the reason therefore.
f. Cancellation and postponement of announced examinations, along with the reason therefore.
g. Corrections of manifest errors in scoring examination papers, along with the explanation thereof.
h. Extension of eligibility beyond the one (1) year period.
i. Names of eligibles removed from lists along with the reasons therefore.
j. Reinstatement of former employees to eligible lists, along with the position on the list as determined by the Board.
k. Such other actions or items as the Board may require as a part of its record.

RULE II

DEPARTMENT OF PERSONNEL

Section A. Director of Personnel:

A Director of Personnel shall be selected in accordance with Sections 137, 138 and 139 of the City Charter. He or she shall have the power and shall be required to:

1. Serve as Director of the Personnel Department.

2. Administer the personnel program of the City in accordance with the Charter and the Civil Service Rules.

3. Hold competitive examinations for all appointments in the Classified Service, restricted to persons reasonably qualified to perform the duties of the position.

4. Give wide publicity through appropriate channels in each case to all announcements of competitive examinations to the end of encouraging qualified person to take such examinations.

5. Prepare and recommend to the Board such rules as he or she may consider necessary to carry out the provisions of Article XI of the Charter as provided in Section145 thereof.

6. Prepare, install, and maintain a classification plan based on the duties and responsibilities of positions in the City, as provided for in Section 147 of the Charter.

7. Prepare and maintain a pay plan in the City Service, as provided in Section 149 of the Charter.

8. Establish and maintain a roster of all persons in the City Service in which there shall be set forth as to each officer and employee:

   a. The class title of position held.

   b. Rate of pay.

   c. Any changes in class title, pay or status.

   d. Such other data as maybe deemed desirable or useful or produce significant facts pertaining to Personnel Administration.

9. Certify all payrolls for persons in the Classified Service. No payment for personal service to any person in the Classified Service of the City shall be made unless the payroll vouchers bear the certification of the Personnel Director, or his or her authorized agent, that the persons mentioned therein have been appointed and employed in accordance with the provisions of the Charter and the Civil Service Rules.

10. Develop and establish training and educational programs for persons in the City Service.

11. Investigate periodically the operation and effect of the personnel provisions of the Charter and the Rules promulgated thereunder, and report annually findings and recommendations to the City Manager.

12. Administer oaths as provided in Section 151 of the Charter.

13. Perform such other and different lawful acts and functions as he or she may deem necessary or desirable to enforce the purposes and provisions of Article XI of the Charter.

Section B. Department of Personnel – Records:

The Department of Personnel shall maintain such records for the Department and the Civil Service Board as shall be necessary to the orderly conduct of its business, among which shall be:

1. Public Records: Minutes of Board meetings, the classification and pay plans, payrolls, action taken on removals and suspensions, eligible lists, and the Rules shall be considered public records. Other records of the Department shall be held confidential by reason of public policy, except as hereinafter provided in this Section.

2. Personnel Transactions: A record of the following personnel transactions shall be maintained:

   a. Emergency appointments.

   b. Temporary appointments.

   c. Provisional appointments.

   d. Substitute appointments.

   e. Probational appointments.

   f. Regular appointments.

   g. Separations from the City Service.

   h. Leaves of absence.

   i. Suspensions.

   j. Changes in pay status.

   k. Promotions and demotions.

3. Official Roster: An official roster shall be maintained showing the names, titles, rates of pay, and the status of all employees in the Classified Service. No payroll account for the payment

of wages or salary to any person in the Classified Service shall be certified or approved for payment by the Personnel Director in case such name has not been placed on the official roster in accordance with the provisions of the Charter and these Rules.

4. Other Records: The Department will maintain the official position classifications, efficiency records, employee records, files of examination papers, payroll, correspondence files and files for other matters pertaining to the operation of the personnel program.

5. Furnishing Information from Personnel Records: Individual employee records are not open for inspection by the general public. In the presence of the Personnel Director, or his or her authorized agent, information may be given as follows:

   a. Upon request, employees and former employees may inspect the contents of their own files only, except for confidential records which will be marked and sealed before filing.

   b. Information to prospective employers will be limited to:

      (1) Period of service rendered and dates thereof.

      (2) Title of position last held and final rate of pay.

      (3) Reason for and date of separation.

      (4) If requested, last official efficiency rating and last known address.

   c. Organizations requesting credit information may be furnished the following:

      (1) Location of employment.

      (2) Rate of pay.

      (3) Civil Service status.

      (4) Date of appointment to the Classified Service and current position.

6. Preservation of Records: Minutes of Board meetings, employee rosters, eligible lists, financial records, examination records and personnel files shall be retained permanently. The applications, examination papers, and other work of all applicants whose names appear on eligible lists shall be retained so long as the eligible lists resulting from such examinations are continued in force, but may be destroyed thereafter at the discretion of the Personnel Director, unless such applicants shall receive appointments, in which case, such applications, examination papers and other work shall become a part of such applicant's personnel file. The applications, examination papers and other work of those applicants who failed to qualify shall be preserved for ninety (90) days after the establishment of the eligible lists, but may be destroyed thereafter at the discretion of the Personnel Director, except where applicants submit written requests for their preservation.

RULE III

GENERAL PROVISIONS

Section A. Purpose of Rules:

The Rules are adopted in pursuance of Section 145, Article XI, of the Charter of the City of North Miami, Florida, to provide for the government, supervision, and control of the Classified Service. A copy of the Rules and any amendments thereto shall be furnished each appointing authority or Board member and made available to any citizen, upon request, for use in the office of the Personnel Department.

Section B. Definitions of Terms Used:

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

1. Appointee – designates the person selected in accordance with Civil Service Rules to fill a position in the Classified Service.

2. Appointing Authority – the City Manager and any officer, person, or group in a department or unit who is empowered to make employments.
3. Allocate – the assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

4. Appointment – the designation by a legally constituted authority of a person to occupy a position pursuant to the Civil Service Rules.

5. Board – the Personnel Board as established under Section 141 of the City Charter. Personnel Board and Civil Service Board synonymous terms.

6. Certification – a submission of names of eligibles from a re-employment list, promotional list, or an original appointment list to an appointing authority for the purpose of filling a position in the Classified Service.

7. Change In Classification – the reduction of an employee from a position in a class to a position in another class for which the pay grade is lower, which is made at the request of the affected employee.

8. Charter – the "Council-Manager Charter of the City of North Miami", effective September 2, 1952.

9. Class or Class of Positions – a group of positions in the Classified Service sufficiently similar in respect to their duties and responsibilities, (a) that the same title maybe used with clarity to designate each position allocated to the classification, (b) that the same requirements as to experience, education, capacity, knowledge, ability and other qualifications should be

required of the incumbents, (c) that the same tests of fitness may be used to choose qualified employees, and (d) that the same pay grade can be applied under the same or substantially the same employment conditions.

10. Classification – the act or result of classifying a position.

11. Classified Service – comprises all positions in the city not specifically excluded by Section 146, Subsection (a) of the City Charter.

12. Council – the City Council of North Miami, Florida, as established under Section 5 of the City Charter.

13. Demotion – the reduction of an employee from a position in a class to a position in another class for which the pay grade is lower for cause, by the appointing authority.

14. Dismissal – the separation of any employee, other than a regular employee, from the Classified Service for cause.

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

16. Eligible List – a re-employment, promotional or original appointment list.

17. Employee – a person who is legally an incumbent of a position.

18. Extreme Emergency – shall be construed to mean conditions of a catastrophic nature such as might result from hurricanes or other acts of God or calamities of war.

19. Member – a member of the Personnel Board.

20. Lay-off – the separation of employees from the Classified Service through removal, dismissal, automatic rejection, termination or reduction in force actions.

21. Limited Appointment – any appointment to any position, temporary or permanent, for a specified period, for a special project, or to replace a regular employee on leave.

22. Original Appointment – the initial appointment of an employee to the Classified Service from an eligible list established as a result of an open competitive examination.

23. Permanent Position – any position in the Classified Service which has required or which is likely to require the full-time services of an incumbent without interruption for a period of more than six (6) months.

24. Position – a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full-time or part-time employment of one person.

25. Probationary Employee – an employee appointed to a permanent position from a promotional or an original appointment list, who has not completed the probationary period.

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

27. Public Notice – a written notice placed upon the bulletin board maintained at or near the entrance to the offices of the Personnel Department in a place accessible to the public during business hours.

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

29. Qualifications – the minimum experience, educational, physical, and personal requirements determining eligibility of an applicant for examination.

30. Regular Employee – an employee who was appointed under the provisions of the Civil Service Rules to a permanent position and who has satisfactorily completed the probationary period.

31. Removal – the separation of a regular employee from the Classified Service for cause.

32. Roll Back – the reduction of an employee from a position in a class to a position in another class for which the pay grade is lower as a result of a lay off or reduction in force.

33. Seasonal Position – any position in the Classified Service which requires or is likely to require the services of an incumbent during certain parts of each year, only at recurring annual or other periods.

34. Status:

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

    Position – Position status means the type of duration of the position, i.e., temporary, seasonal or permanent.

35. Substitute Employee – an employee appointed from an appropriate eligible list to a position in the Classified Service temporarily open because of Military Leave or other extended leaves of absence granted an employee with regular status.

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

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

38. Termination – separation without prejudice of an employee from a position in the Classified Service at the end of either a provisional, a temporary or a substitute appointment.

Section C. Positions Covered by Rules:

These Rules shall apply to all position in the Classified Service as defined in Section 146 of the City Charter.

Section D. Effective Date of Rules:

These Rules shall become effective immediately after a public hearing thereon, upon adoption by the Personnel Board and approval of the City Council as provided in Section 145 of the City Charter.

Section E. Amendments to Rules:

After the initial adoption of the Rules, no amendment thereto shall be made, nor shall any Rule be repealed, nor any new Rule promulgated at the same meeting at which it is proposed. No final action to amend, repeal or supplement these Rules shall be taken in less than thirty (30) days after the proposal and until after the public hearing, of which notice thereof shall be given the city council, appointing authorities, employee groups, and the public. An affirmative vote of not less than three (3) members shall be required to amend, repeal or supplement these Rules.

Section F. Prohibitions and Restriction:

As provided in Section 152 of the City Charter:

1. Race, Religious, or Political Discrimination Prohibited:

   No person in the Classified Service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of face or political or religious opinions or affiliations. No question in any test or contained in any form used in administering these Rules shall relate to the race or the religious or political opinions of any applicant, eligible, or employee; provided, however, that this provision shall not be construed to prohibit eliciting information in reference to membership in Communistic or other subversive organizations.

2. Falsifying Statements and Records Prohibited:

   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 under the personnel provisions of this Charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the Rules and Regulations made thereunder.

3. Candidacy for Public Office Prohibited:

   No officer or employee in the Classified Service of the City shall continue in such position after election to any public office.

4. Political Activity Prohibited:

No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the Classified Service of the City. No person holding a position in the Classified Service of the City shall make any contribution to the campaign funds of any political party or any candidate for public office or take part in the management, affairs or political campaign of any political party, further than in the exercise of rights as a citizen to express his or her opinion and to cast a vote.

5. Attempts to Influence Officials Prohibited:

No person seeking appointment to or promotion in the Classified Service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

Other prohibitions and restrictions:

6. Abuse of Political Influence Prohibited:

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

7. Outside Employment:

No employee shall hold any other position or pursue any other gainful occupation, except that connected with said employee's regular position in the Classified Service without having first obtained permission of his or her department head and the Personnel Department.

Section G. Penalties for Violation of Rules:

1. Any person who alone or with others willfully or corruptly violates any of the provisions of Subsections 1 through 6 of Section F of this Rule, shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than $50.00 nor more than $500.00, or by imprisonment for a term not exceeding two (2) months, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be ineligible for appointment to or employment in a position in the City Service, and

shall, if an officer or employee of the City, immediately forfeit the office or position he or she holds.

2. The violation of any of the provisions of these Rules other than Subsections 1 through 6 of Section F of this rule, shall be adequate grounds for removal or refusal of the Personnel Director to certify a payment of salary or wages to said employee.

RULE IV

CLASSIFICATION AND PAY PLAN

Section A. Classification Plan

As provided in Section 147 of the City Charter, a classification plan shall be maintained by the Personnel Director which provides for the standardization and classification of all positions in the Classified Service.

Section B. Contents of Classification Plan

The classification plan shall include a designation of classes of positions in the Classified Service.

Section C. Adoption of the Classification Plan

The Personnel Director shall prepare the classification plan and submit it to the Personnel Board for approval. The City Manager shall transmit it to the Council with such changes and recommendations as deemed desirable.
The plan shall take effect when adopted by the Board or on the thirtieth (30th) day after it is submitted to the Board if prior thereto the Board has not disapproved it by resolution.

Section D. Changes in the Classification Plan

Changes in the classification plan may be recommended by the Personnel Director and adopted from time to time in the same manner as provided for in Section C of this Rule.

Section E. Allocation of Positions to Classes

The Personnel Director shall, with the approval of the City Manager, allocate each position in the Classified Service to the appropriate class in the classification plan on the basis of essential job functions of the position. As new positions or classifications are created, modified or abolished, the Personnel Director, with the approval of the City Manager, shall make such allocations or reallocations of positions to new or existing classes. If, after a study of the duties and responsibilities of a position, it is determined that the position is not properly classified, the Personnel Director shall, with the approval of the City Manager, reallocate the position to its proper class, or if necessary, recommend the establishment of a new class in accordance with this Rule.

Section F. Appeals

Employees adversely affected by the allocation or reallocation of a position to a class, or by any changes in the classification plan, shall be afforded a reasonable opportunity to be heard by the Personnel Board upon filing with the Personnel Director a written request for a hearing within fourteen (14) calendar days after receiving notice of the proposed change. The Personnel Director shall schedule the hearing as soon as possible. The findings of the Board shall be conclusive.

Section G. Class Titles and Job

1. The class titles set forth in the Classification Plan shall be used to designate such positions in all official records, documents, vouchers, and communications, and no person shall be appointed to or employed in a position in the Classified Service under any class title which has not been approved.

2. Class/Job descriptions shall be prepared by the Personnel Director and approved by the City Manager. Class/job descriptions shall minimally include:

    a. The title and class.

    b. A description of the essential job functions of the position.

    c. The minimum qualifications, skills, education and experience required.

Section H. Pay Plan

As provided in Section 149 of the City Charter, the Personnel Director shall prepare for the City Manager a standard schedule of pay for each position and classification in the Classified Service.

Section I. Adoption of the Pay Plan

The City Manager shall submit the pay plan to the Council with such changes as deemed desirable and such plan shall take effect when adopted by Council or on the thirtieth (30th) day after it is submitted if prior thereto the Council has not disapproved it by resolution.

Section J. Changes in the Pay Plan

Changes in the pay plan may be adopted by the City Council from time to time upon the recommendation of the City Manager, provided, however, that in increasing or decreasing items in the City budget, the Council shall not increase or decrease any individual salary items but shall act solely with respect to classes or positions as established in the classification and pay plans. In no event shall the Council reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan.

Section K. Content of the Pay Plan

The pay plan shall include:

1. A table of standard pay grades, indicating the minimum, maximum, and such intermediate rates of pay as may be desirable for each grade.

2. An alphabetical list of the classes of positions, with the pay grade for each.

Section L. Overtime

1. Overtime compensation will be provided in accordance with all federal, state and local laws and regulations.

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RULE V

APPLICATIONS

Section A. Application Required:

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

Section B. Content of Application Form:

The application form shall require information covering experience, training, membership in Communist or other subversive organizations, and other pertinent information as may be requested on the application form. No question or item on such application form shall relate to the religious, political affiliations or opinions of the applicant.

Section C. Application Periods:

The time within which applications to take the examination for any class of positions will be received shall be fixed by the Personnel Director and stated on the public notice of each examination. In no case shall such period be less than ten (10) calendar days. No application will be accepted prior to the posting of an examination notice or after the closing date stated on the public notice of each examination. However, provisions may be made to notify interested persons who have filed requests for information concerning the announcement of examinations to afford them the opportunity to complete the required application form within the dates designated for receiving applications.

Section D. General Application Requirements:

All applicants must:

1. Be citizens of the United States for all police classifications requiring State certification as sworn law enforcement officers.

2. Be legal resident aliens of the United States or citizens of the United States for all classifications other than police classifications which require State certification as a sworn law enforcement officer.

3. Be within the age limits established for the class for which application is made.

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

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

6. Submit the completed application form to the Personnel Department.
A separate exam card shall be completed and submitted to the Personnel Department for each examination.

Section E. Rejection of Application:

1. The Personnel Director, or authorized agent, shall have the power to reject applications.

2. Although rejection may be used upon causes other than those enumerated, the following are declared cause for rejection of application or disqualification of applicants:

   If it is determined that the applicant:

   a. Lacks any of the minimum qualifications stated in the examination notice.

   b. Is physically so disabled as to render him or her unfit for the performance of the duties of the position to which seeking appointment.

   c. Is addicted to the habitual or excessive use of habit-forming drugs or intoxicating beverages.

   d. Has been guilty of any crime involving moral turpitude.

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

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

   g. Has exhibited traits of character which make his or her employment undesirable.

   h. Has, within the past thirty (30) days prior to date of examination, participated in and failed to attain a passing grade in an examination for the same class of position.

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

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

Section F. Appeal of Rejected Applicant:

Any regular employee in the classified service who applies for and is denied permission to compete in any examination, or whose examination is disqualified, may within fourteen (14) calendar days after notice of rejection or disqualification, appeal in writing to the Board for review of such ruling. The Board shall, if time permits, afford such applicant an opportunity to be heard in his or her own behalf; but an announced examination shall not be postponed or delayed for this reason. The decision of the Board on review shall be final.

Applicants who do not possess regular status shall not be entitled to an appeal to the Personnel Board, but shall be notified of disqualification or rejection.

Section G. Certification of Applications:

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

Section H. Applications Property of the Personnel Department:

All applications submitted become the property of the Personnel Department. However, all documents and exhibits submitted may be returned to the applicant after the application becomes inactive.

RULE VI

EXAMINATIONS

Section A. Call for Examinations:

The Personnel Director shall call open or promotional examinations to fill vacancies in the Classified Service, or to provide eligible lists for classes of positions where vacancies are likely to occur.

1. Open Competitive Examinations: The call shall be made by posting all examination announcements in a conspicuous place in City Hall, and by publication of title and pay grade in a newspaper circulated in the City and qualified as a legal publication, at least once, five (5) calendar days in advance of the last date to file applications, and by mailing examination notices at least ten (10) calendar days prior to the last date to file applications, to those persons who have filed requests to be notified. The Personnel Director may give the examination such other publicity as may be deemed necessary.

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

3. Promotional Competitive Examinations: Promotional examination announcements shall be sent to all departments concerned at least ten (10) calendar days prior to the last date to file applications. Department Heads shall inform all personnel in their departments of announced promotional examination.

4. Open Non-competitive Examinations: The call for applicants shall be made, in general in the same manner as for open competitive examinations. Unassembled evaluation of applications and/or resumes by the Personnel Department shall result in the establishment of a list of eligibles in alphabetical or chronological order.

5. Open Continuous Non-Competitive Examinations: The call for applicants shall be made, in general, in the same manner as for open continuous competitive examinations. Unassembled evaluation of applications and/or resumes by the Personnel Department shall result in establishment of a list of eligibles in alphabetical or chronological order.

Section B. Kinds of Examinations:

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

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

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

3. Promotional Competitive Examination: An examination which is open only to employees in appropriate lower classes in the Classified Service and given for the purpose of establishing a list from which to certify eligibles for promotion. Such examinations shall be based upon records of performance, character, conduct, or seniority and shall include competitive tests.

4. Competitive Assembled Examination: An examination which requires applicants to be called together in one or more designated places to compete in tests according to procedures established and controlled by the Personnel Director or authorized agent.

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

6. Non-competitive Examination: Examinations which are held for minor positions for part-time or seasonal work when competition is found to be impracticable by the Personnel Director.

7. Non-competitive Unassembled Examination: Classifications to be filled on a non-competitive unassembled basis shall be determined by the Personnel Director. Where appropriate, eligible candidates in job categories of a general clerical, technical or professional nature will normally be placed on an Eligible List in alphabetical order. Eligible candidates in job categories requiring State/County certification, licensing in a trade, or for positions in the labor classes will be normally placed on an Eligible List in chronological order, where appropriate.

   Evaluation of applicants and/or resumes shall be made by the Personnel Department to determine eligibility for placement on a Non-Competitive Eligible List. When listed in alphabetical order on a Non-Competitive Eligible List, the name of all eligibles shall be considered by an operating department to fill each vacant position for which such a list has been established. When listed in chronological order on a Non-Competitive Eligible List, the names of the five (5) eligibles who had filed the earliest applications during the ninety (90) day period preceding the date of certification shall be certified to the operating department for each vacant position for which such a list has been established.

   Non-Competitive Eligible Lists shall remain in effect for a period of no longer than one year from the date originally established.

Section C. Career Employment Opportunity Program (CEOP):

1. General Description

The program permits department directors to recommend appointment; transfer or promotion of City employees to fill vacant positions in the Classified Service, if such employees meet, or reasonably meet, the requirements of the positions to be filled, without competitive examination for the position.

2. Authority and Responsibility

Under CEOP, any department director may request to appoint, promote or transfer a qualified City employee into a higher, lower or equivalent salaried classification when a vacancy exists. Each department is required to ensure that those employees being recommended for such actions are in agreement with the change in classification and meet the minimum qualifications for that position.

Verification that employees appointed or promoted under CEOP meet eligibility requirements for the new classification and approval of such actions shall be the responsibility of the Personnel Director.

3. Announcement, Application, Certification and Appointment

Vacancies announced under CEOP shall require qualified employees to make application for the subject position on a form prescribed by the Personnel Department in order to be considered for the position.

All eligible employees shall be placed on an eligible list and certified to the operating department for consideration.

Any appointment to a permanent position in the Classified Service under CEOP shall be a probational appointment subject to completion of a satisfactory probationary period.

4. Eligibility

Individuals employed by the City as described in 1-8 below shall be eligible for appointment, transfer and promotion under CEOP.

1) Personal Service Agreement
2) Provisional
3) Probationary
4) Regular
5) Seasonal
6) Substitute
7) Temporary
8) Unclassified

5. Sections of Rules in Conflict with CEOP

Civil Service Rules providing for examinations, preference, eligible lists and certification shall be suspended when filling classified positions under CEOP.

Section D. Scheduling Examinations:

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

Section E. Character of Examinations:

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

Section F. Content of Examinations:

Examinations may include one, or more, of the following tests as may be determined by the Personnel Director:

1. Written tests of aptitudes, mental fitness, and knowledge of work.

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

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

4. Athletic tests of physical skill and agility.

5. Physical tests of strength and fitness.

6. Evaluation of applications and/or resumes for determination of eligibility of candidates shall be made by the Personnel Department based upon qualification requirements contained within approved classification specifications and the legal announcement for the subject position for which a Non-Competitive List to be established.

Section G. Medical Examinations:

The Personnel Director may determine, by medical examination, whether applicants for any position possess the prescribed standards of health and physique. All eligibles in original examinations for positions in the Classified Service, must, before appointment, qualify by passing tests of physical soundness. The results of such examinations may be used to determine the fitness of the applicants or eligibles for the work and need not be a factor in determining the general average. The Personnel Director may, however, establish tests of physical strength and conditions positions require special

physical fitness, the Personnel Director may require re-examination of eligibles or employees to determine whether they continue to possess the required physical fitness for the work.

Section H. Postponement and Cancellation of Examination:

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

Section I. Conduct of Examinations:

1. Administration of Examinations: Examination shall be under the direction of the Personnel Director and conducted by staff representatives or by Special Examiners. The Personnel Director may designate and appoint Special Examiners to personally conduct any part of an examination.

2. Admission of Tardy Applicants in Examination: The Personnel Director, or authorized agent, may refuse to admit an applicant to an examination if timed tests have started. No applicant shall be admitted after any applicant has withdrawn from the examination or has completed tests and left the room.

Section J. Subjects, Weights and General Average:

In examinations composed of several tests which are graded independently, weights shall be assigned to each test representing its relative value in ascertaining the fitness of the applicant; the applicant's grade in a test shall be multiplied by the weight assigned to the test; the sum of the resulting products shall be divided by the total weights of all parts of the examination which shall be used in determining the final grade. The final grade shall be determine the order in which the name of the applicant shall appear on the eligible list, except where additional credit is allowed veterans as provided by Florida State Statutes or where residents preference points are allowed bona fide residents of the City, provided, however, that such applicants must first pass the tests and attain the eligible list before such credit is given.

Section K. Examination Grades:

Applicants shall be graded on a scale in which 100% represents the highest possible attainment on examination grades; however, addition of Veterans' Preference points in accordance with Florida Statutes or residence preference points, if allowed, may result in grades in excess of 100%. In order to attain a place on the eligible list, an applicant's general average in the examination must be no less than 70%; provided, however, that the Personnel Director may require at least 70% in some specific part of the examination will disqualify him or her in the entire examination.

Section L. Re-examination:

No person who has failed to pass an examination shall be permitted to be re-examined for the same class of position within thirty (30) days from the date of such failure.

Section M. Residence Preference:

Any applicant meeting all of the following requirements shall be entitled to receive a five (5) point residence preference added to a passing grade on open competitive examinations for employment. An applicant, in order to receive such preference, shall have been a City or North Miami resident:

1. at time of application for the examination; plus

2. at time of examination; plus

3. at time of certification; plus

4. at time of appointment.

Any applicant who changes legal residence to an address outside of the City limits of north Miami during any portion of the aforementioned process will not be entitled to residence points during the duration of the eligible list for that classification. Upon verification of such a moved, residence points will be deleted from the final exam score of the applicant; the applicant will be placed on the appropriate lower position on the eligible list; and the applicant will not be entitled to receive residence points for the subject examination should he or she move back into the City prior to the expiration or depletion of the eligible list.

Section N. Preference in Cases of Equal Final Average:

When two or more applicants have the same final grade on an examination; ties shall be broken and preference shall be given in the following order:

1. Applicant receiving veterans preference points.

2. Applicant employed by the City, possessing regular status; and further providing that in the case of a tie still existing between two City employees, the one having the greatest overall seniority with the City, shall be given preference.

3. Applicant receiving residence preference points.

4. Applicant attaining the higher score in the subsection of the examination given the greatest weight.

5. Applicant filing the earliest examination card.

Section O. Notice of Results of Examinations:

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

Section P. Combining Examination Results:

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

Section Q Inspection of Examination Papers by Candidates:

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

Section R. Preservation of Examination Papers:

Applications and examination papers of applicants who failed in examinations shall be on file in the office of the Personnel Department for sixty (60) days after the expiration of the inspection period, after which they may be destroyed, unless applicants shall in writing request their preservation. A complete set of examination papers shall be preserved in the permanent examination file, together with a record sheet containing the grades of all applicants who competed in the examinations. After the expiration of the eligible lists, applications and examination papers of other eligibles may be destroyed at the discretion of the Personnel Director.

RULE VII

ELIGIBLE LISTS

Section A. Eligible Lists:

The Personnel Department shall maintain original appointment, promotional and non-competitive eligible lists for each class of positions in the Classified Service and for positions for which applications are accepted on a basis of priority by date of application, as provided in Rule XV. Such lists shall contain the names of those persons, who have satisfied the minimum qualifications for the position, and if applicable, have successfully completed the preliminary examination, listed and ranked in order of their final earned rating from the highest to the lowest. Eligible lists for classifications which do not require and entry examination shall be listed in alphabetical or chronological order. Re-employment lists shall be maintained for each class of positions as prescribed in Section I of this Rule.

Section B. Kinds of Eligible Lists:

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

2. Promotional List: An eligible list established by a promotional exam.

3. Re-employment List: An eligible list containing the names of former regular status employees who have occupied, and have been separated by reduction in force from permanent positions in the Classified Service, and who are entitled to preference in appointment to vacancies in positions.

4. Non-Competitive List: An eligible list established by unassembled examination listing names of eligibles in alphabetical or chronological order.

Section C. Promulgation

The effective date of an eligible list shall be established by the Personnel Director and shall be no earlier than the date examination results are officially announced. No person shall publish or make known the final grades and positions on eligible lists prior to the date of the official announcement of the same. The effective date of re-employment eligibility shall be no earlier than the date of separation or demotion of the eligible concerned.

Section D. Duration of Eligible Lists:

Eligible lists for all positions applied for, except Police Officer/Trainee, shall be in effect for a period not to exceed one (1) year from the effective date unless extended as provided in Section E of this Rule, provided, however, when a new replacement eligible list is established due to fewer than five (5) names remaining on the original lists, even though the list has not expired, that the remaining persons on the eligible list shall be notified in writing that a new examination shall be given. They shall be given an opportunity to participate and to establish a new rating. Such eligibles not desiring to participate in the new examination shall have their names placed on the new replacement eligible

list in accordance with their original earned rating. For all positions applied for, except Police Sergeant, if the exam used for the existing list differs from the exam for the replacement eligible list, the candidate must take the new exam or his name will not carry-over to the replacement eligible list.

Eligible lists for Police Officer/Trainee shall be in effect for a period not to exceed six (6) months from the effective date unless extended as provided in Section E of this Rule. A new eligible list for Police Officer/Trainee may be established to replace an existing eligible list for Police Officer/Trainee if the existing eligible list contains fewer names than the current number of vacancies plus four (4) additional names. Those applicants whose names remain on the existing eligible list shall be notified in writing that a replacement eligible list is being established and given the opportunity to have their names carried-over to the replacement eligible list, as may be allowed in this section. If the job announcement requires a scored exam, the applicant will have the opportunity to carry-over their existing score or re-compete and establish a new score. If the exam used for the existing list differs from the exam from the replacement eligible list, the candidate must take the new exam or his name will not carry-over to the replacement eligible list.

If a candidate on an existing eligible list for any classification fails to successfully complete any phase of the selection process for the classification, the Personnel Department may remove his name, provided reason(s) for removal are submitted in writing and approved by the Personnel Director.

Eligibility on re-employment list shall be for one year unless extended as provided for in Section I, Subsection 1 of this Rule.

Section E. Extension of Eligible Lists:

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

Section F. Failure to Reply:

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

Section G. Removal of Eligibles from List:

The name of an eligible may be removed from lists of eligibles for any of the causes enumerated in Rule V, Section E, or for other causes deemed good and sufficient by the Personnel Director.

An eligible may be removed from a list of eligibles at the request of the appointing authority if he or she has been referred twice from the same list and has not been selected to fill a position within the Classified Service for which the list was established.

An employee in the Classified Service with regular status whose eligibility is cancelled by order of the Personnel Director may appeal in writing within fourteen (14) calendar days of such action and be

afforded an opportunity to be heard by the Board. The findings of the Board will be conclusive. The names of eligibles removed from lists and reasons therefore shall be recorded in the Minutes of the Board. Eligibles who do not possess regular status shall not be entitled to an appeal to the Personnel Board, but shall be notified of disqualification.

Section H. Reinstatement to Original Appointment or Promotional Lists:

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

    a. A request for reinstatement to an original appointment or promotional list must be made to the Personnel Director in writing.

    b. The performance ratings of such applicant for the period preceding separation from the Classified Service must be satisfactory.

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

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

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

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

Section I. Re-employment Lists:

1. Re-employment Lists for Regular Work: Any employee whose appointment has become regular after having served a probationary period satisfactorily, who, without fault or delinquency on his or her part, has been separated from the Service or reduced in rank because of lack of work or funds, shall have his or her name automatically placed upon the re-employment list for the class from which separated or demoted. Whenever there is no further need for a class and it is abolished in accordance with these Rules, any incumbent in a position in such class shall have his or her name automatically placed upon the re-employment list for the class, and his or her name may be certified for a vacancy in any comparable class in accordance with Rule VIII, Section C.

   The place on such re-employment list shall be the inverse order of separation as prescribed in Rule XIII of these Rules. A name shall be placed on the re-employment list for the class for a period of one (1) year; however, an eligible person whose name is on a re-employment list, who has not been re-employed within the one year period, may request in writing an extension of eligibility for another year. The Board, may at its discretion, grant or deny such request. No person's name shall remain on a re-employment list for a period longer than two (2) years.

2. Re-employment Lists for Seasonal Work: Employees who have been appointed for seasonal work and who have served satisfactorily during the continuance of the eligible lists from which appointed, shall have their names placed upon the seasonal list for the class of position in which they were employed. The order of names on the seasonal list shall be in accordance with the performance ratings and shall be revised at the beginning of each calendar year. If performance ratings, which must be at least satisfactory, are equal, seniority shall determine the place on the list. If an employee whose name is on a seasonal list fails to work for two (2) seasons, his or her name shall be automatically removed from the list and he or she shall have no further Civil Service standing in such class of position.

Section J. Change in Address of an Eligible:

Eligibles shall be required to notify the Personnel Department of any change in address while their names remain on the eligible list.

RULE VIII

REQUISITION AND CERTIFICATION

Section A. Request for Certification:

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

Section B. Priority of Eligible Lists:

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

1. Re-employment lists.
2. Promotional lists.
3. Original appointment lists.

Section C. Certification from Re-employment Lists:
Upon receipt of a requisition for certification to fill a vacancy, the Personnel Department shall certify from the re-employment list the names of the five (5) eligibles standing highest on the list for that class; provided, however, that a fewer number of names shall be certified when there is not the required number on the re-employment list.

Section D. Certification from Promotional Lists:

Upon receipt of a requisition for certification to fill a vacancy, in the absence of a re-employment list, the Personnel Director shall certify the names of the five (5) eligibles standing highest on the promotional list for the class; providing, however, that a fewer number of names may be certified when there is not the required number on the promotional list. No person shall be certified from a promotional list who has been permanently separated from the Service of the City.

Section E. Certification from Original Appointment Lists:

Upon receipt of requisition for certification to fill a vacancy, in the absence of re-employment list and a promotional list, the Personnel Department shall certify the names and addresses of the first five (5) eligibles on the original appointment list from the class. When more than one vacancy is to be filled, the Personnel Department shall certify a number of names equal to the number of vacancies to be filled and four (4) more in addition thereto; provided, however, that a fewer number may be certified when there is not the required number on the original appointment list. When no eligible list for the class exists, or when the eligible lists have become exhausted, and until a new list can be created, a name may be certified for temporary appointment from the eligible list most nearly appropriate to the position to be filled.

Section F. Notice of Certification to Eligible:

Whenever the name of an eligible is certified to an appointing authority, the eligible shall be notified of certification by a notice sent to his or her address as it appears on the records of the Personnel Department. Such notice shall state the title of position, the entrance rate of pay, condition of employment, the department in which the vacancy exists, and the time within which he or she must report for interview with the appointing authority.

Section G. Waiver of Consideration for Appointment:

1. Eligibles may waive consideration for appointment but shall file reasons therefore with the Personnel Director.

2. Such waivers must be filed within five (5) days from date of notification of certification, and, if approved, the name of such eligible shall remain on the eligible list, but not be certified until waiver has been withdrawn by written request.

3. Failure to execute a satisfactory waiver, or failure to report to the appointing authority for an interview shall be deemed sufficient cause for removing the name of such eligible from all eligible lists unless good cause be shown for such failure.

Section H. Acceptance of Positions in Lower Grade:

An eligible on a re-employment or original appointment list may accept certification to a lower class of position, provided no list exists for the lower position and the duties and responsibilities are similar, but the acceptance of such lower position shall not forfeit rights to be certified to the higher position for which he or she qualified.

Section I. Objection and Substitution:

In case an appointing authority objects to the certification of any eligible, the reasons for objection must be stated specifically in writing and shall be subject to investigation by the Personnel Department. Any cause provided in Rule V, Section E, shall be deemed sufficient reason for objection, but the Personnel Department may approve objection for other causes. An employee in the classified service with regular status against whom objection is made may, within fourteen (14) calendar days, request, in writing, the opportunity of being heard by the Board. The appointing authority making the objection shall also be afforded the opportunity to present the reasons for such objection. If the objection is sustained by the Board, the next highest name on the eligible list shall be certified and notice of withdrawal of certification sent to the employee against whom the objection was sustained.

Eligibles who do not possess regular status shall not be entitled to an appeal to the Personnel Board, but shall be notified of removal from the list of eligibles.

RULE IX

APPOINTMENTS

Section A. Appointments from Certifications:

The appointing authority shall select from the list of eligibles certified by the Personnel Department, the number of persons required to fill the vacancies in his or her department unless objection is made to an eligible as provided in Rule VIII, Section I. Whenever an eligible list, other than a re-employment or promotional list contains fewer than five (5) names, such persons shall be eligible for temporary appointment until additional names can be certified after competitive examinations, but a probationary appointment may be made at the discretion of the appointing authority.

Section B. Regular Appointment:

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

Section C. Probationary Appointment:

1. Definition: Any appointment to a permanent position in the Classified Service made from an original appointment or a promotional list, shall be a probational appointment subject to the completion of a satisfactory probationary period.
2. Purpose: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his or her position and for dismissing any employee whose performance does not meet required work standards.
3. Length of Probationary Period: Any person who has accepted an appointment from an original appointment list, except Police Officer, shall be on probation for a period of one (1) year. Any person who has accepted an appointment from an original appointment list for Police Officer Trainee will remain in probationary status as a Police Officer Trainee until he or she receives certification as required by the Florida Police Standards Council, at which time his or her status would change to Police Officer for a probationary period of eighteen (18) months. A probationary employee may be dismissed any time within the said probationary period without a hearing upon recommendation of the appointing authority. Any person who has accepted an appointment from a promotional list shall be on probation for a period of one (1) year. If, during that period, the service of the eligible so appointed is unsatisfactory he or she may at any time be reduced to the class from which he or she was promoted upon the recommendation of the appointing authority with the approval of the City Manager. The probationary period, for any employee who has been absent from work for a cumulative period of 10 working days or more during an original entrance or promotional probationary period, will automatically be extended one month.

   Should any employee be absent from work for a cumulative period of one month during an original entrance probationary period, such employee shall automatically be terminated for

excessive absenteeism, unless the appropriate department head submits a request in writing, stating the reason or reasons why such action should not be taken. Any such request must be made within five (5) working days after notice of such employee's termination and must be approved by the Personnel Director and City Manager.

The probationary period of any classified employee may be extended for a maximum period of ninety (90) calendar days beyond the normal completion date of an employee's probationary period. All requests for such an extension must be made in writing by the appropriate department head, stating the reasons for such request, and shall be submitted to the Personnel Department at least fifteen (15) calendar days prior to the concerned employee's normal probationary period completion date. All such employees shall be officially notified of such a request. All such requests must be approved by the Personnel Director and the City Manager in order to effectuate and extension of an employee's probationary period. This rule shall apply to all classified employees whether the probationary period is a result of an original appointment or a promotional appointment.

In any such instance where a probationary period is extended, such action shall constitute an automatic extension of such employee's eligibility for a merit raise review.

4. Duty of Appointing Authority During Probationary Period: It shall be the duty of the appointing authority, during the probationary period of each employee in the Classified Service, to investigate thoroughly the efficiency, conduct and integrity of such employee, and to determine whether or not he or she shall be retained in the Classified Service in the class to which appointed, and so notify the Personnel Department on forms prescribed. No employee shall be granted regular status unless such action is recommended by the appointing authority.

Section D. Substitute Appointment:

When it is necessary to fill a position which has become vacant as a result of the granting of a leave of absence to the regular incumbent, the appointing authority may make a substitute appointment from the appropriate eligible list, not to exceed the duration of such leave of absence in the manner provided in Rule VIII; provided, that the acceptance or refusal of appointment to such position shall not affect the right of an eligible to certification for a probationary appointment, except as provided in Section E of this Rule. Upon the return of the regular incumbent to the position at any time on or prior to the expiration of leave of absence, the services of the substitute appointee shall be automatically terminated. Lists of substitute appointees shall be maintained by the Personnel Department. An employee in a substitute status is not entitled to the rights afforded regular status employees under these Rules; however, any substitute status employee may attain regular status under the provisions of Section E of this Rule.

Substitute employees who replace regular employees on extended leave from the Classified Service for the purpose of accepting a position in the Unclassified Service, shall, after twelve months substitute service, have the same rights as a Regular status employee except that their service shall be automatically terminated upon return of the regular incumbent to his or her position. If promoted to a Substitute position, employees shall accrue seniority in the class from which promoted while serving as a substitute and shall be automatically returned to their former position when their Substitute appointment terminates due to the return of the incumbent.

Section E. Change from Substitute to Regular Status:

In the event a position filled by a substitute appointment becomes regular through a change in conditions or subsequent legislative action, or in the event an employee fails to return to his or her position on or before the expiration of the leave of absence, the vacancy thereby created shall be filled in the manner prescribed for an original appointment by these Rules; provided, however, that upon the request of the appointing authority, an employee who has been filling the position under a substitute appointment, and whose performance rating is satisfactory or better, and who has served not less than one (1) year, may have his or her status changed from substitute to regular, and shall be entitled to continue to hold such position as a regular employee.

Section F. Appointment to an Unclassified Position:

When any classified employee with regular status is appointed to an unclassified office or position, such position shall be considered vacant and shall be filled by regular competitive procedures as prescribed in these Rules. The regular employee appointed to the unclassified service or position shall retain his or her classified service title and status.

If such employee is separated from his or her unclassified office or position, such employee shall be returned to the position and classification held in the classified service immediately prior to becoming an unclassified employee with the rate of compensation within the salary range then prevailing for such classification.

In the event the classification of such employee has been abolished or discontinued, such employee shall be placed in a classification at the same level as his or her former classified position, which in the opinion of the Personnel Director, such employee possesses at least minimum qualifications. If there is no classification at such level, the employee shall be placed in a classified position at the next lower level for which, in the opinion of the Personnel Director, such employee possesses at least minimum qualifications. In either of the aforementioned cases, such employee shall be placed in such classification with a rate of compensation within the salary range held by such employee when appointed to the unclassified service.

Section G. Temporary Appointment:

If it is anticipated that a position will not exceed six (6) months duration from the time it is filled, such a position shall be filled by temporary appointment from the appropriate eligible list as provided in Rule VIII, provided that the acceptance or refusal of appointment to such position shall not affect the right of an eligible to certification for a probationary appointment. At the expiration of the six (6) months temporary appointment, the services of the incumbent shall be automatically terminated, unless the department concerned finds it necessary to continue the temporary position beyond the expiration date of six (6) months. If an extension is necessary, the appointing authority shall so notify the Personnel Department at least two (2) weeks in advance thereof, and shall state the probable period of extension together with the reasons and such additional information as the latter may require. No extension of a temporary appointment shall exceed an additional six (6) months beyond the original six months period. Any position originally established as temporary which is extended beyond one (1) year shall be filled by a probationary appointment in accordance with this Rule. Satisfactory service under a temporary appointment may be credited to the probationary period upon

recommendation of the appointing authority; provided, however, that no more than six (6) months of temporary status service may be credited to the probationary period.

Section H. Provisional Appointment:

When it is urgent that an immediate appointment be made to fill a vacant position and no one is available on an appropriate eligible list, any person approved by the Personnel Department may be appointed provisionally to fill the vacancy until an appropriate eligible list has been established. Appointment is made with the understanding that the appointee will be required to take a competitive examination and meet all other requirements for the position. In no case shall a provisional appointment, other than Police Officer, continue longer than ninety (90) days, nor shall there be successive provisional appointments of the same person.

Section I. Emergency Appointment:

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

RULE X

PROMOTIONS

Section A. Advancement Through Examinations:

Promotion to any higher class of positions shall be, as far as is practicable and consistent with the best interests of the Service, by promotion following competitive examination. Class specifications shall indicate the possible line of promotion and probable source of recruitment. Any change from a class in any given pay grade to a class in a higher pay grade shall constitute a promotion. Whenever an examination is to be held to establish an eligible list for any class, the Personnel Director shall decide as to whether or not a promotional or original appointment examination, or both, shall be held.

Section B. Eligibility for Promotional Examination:

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

Section C. Performance and Seniority:

In computing a rating for performance and seniority used as factors in a promotional examination, performance shall have twice the weight of seniority. Ratings for the year immediately preceding the examination shall be used in computing performance; total length of time served in the class or classes designated in the examination announcement shall be used in computing seniority with a maximum allowance credit of ten (10) years. Credit shall be calculated at a rate of one-fourth (¼) point for each full month of service. No credit shall be given for periods of service of less than one month.

RULE XI

TRANSFERS AND DEMOTIONS

Section A. Requests for Transfers:

All requests for transfer with reasons stated must be made in writing and are subject to the approval of the Personnel Department. Transfers may be made upon the request of the employee or upon request of the appointing authority who must give at least a week's notice to the employee concerned.

Section B. Kinds of Transfers:

1. Interdepartmental Transfer: The transfer of an employee from a position in one department to a position in the same class in another department shall be called an "Interdepartmental Transfer", and may be made upon written request of the appointing authorities concerned or by an employee with the approval of the appointing authority. If, at any time within sixty (60) days from the time of transfer, the services rendered by the employee in the position to which transferred are not satisfactory, he or she shall be transferred back to the former class.

2. Interclass Transfer: The transfer of an employee from a position in one class to a position in another class for which the pay grade is the same, shall be called an "Interclass Transfer" and may be made under the same conditions as provided for in "Interdepartmental Transfer".

3. Temporary Transfer: Transfers from temporary or emergency work may be made after first obtaining the consent of the Personnel Department, but in no case shall such transfer exceed thirty (30) days.

Section C. Change in Classification:

The reduction of an employee from a position in a class to a position in another class for which the pay grade is lower; and which is made upon the written request of the employee, and approved by the affected department director(s), the Personnel Director and the appointing authority, shall be designated as a "Change In Classification". Such action shall not be permitted which would result in the layoff or rollback of another regular employee.

Section D. Demotion:

The reduction of any employee from a position in a class to a position in another class for which the pay grade is lower for cause shall be called a "Demotion". The procedure affecting such demotion shall be that prescribed in Rule XIII.

RULE XII

LEAVES OF ABSENCE

Section A. General Requirements:

Employees holding positions in the classified service shall be entitled to annual vacation and shall be allowed sick and special leaves of absence as provided herein. All leaves of absence with or without pay, shall be submitted in writing on forms provided for that purpose, and must be approved by the Personnel Department. Extended leaves of absence shall be presented in writing to the Personnel Department for action upon the recommendation of the department head.

Except in the case of sick and emergency leave, the period of absence shall be designated by the department head. The request for sick leave of absence, signed by the employee and the department head and shall be forwarded to the Personnel Department at least one week (7 calendar days) in advance at the beginning of the date of the leave requested. Leaves of absence shall be indicated on the time sheets submitted to payroll. Failure to submit requests for leaves of absence prior to the date on which payroll is processed will result in the withholding of payment to the individual employee concerned until such requests have been submitted and approved.

Section B. Annual Vacation Leave With Pay:

1. Entitlement: After completion of six (6) months active service an employee shall be granted annual vacation leave as provided herein.

2. Rate of Earning Annual Vacation Leave:

   Full-time active service employees with less than five (5) years of continued service shall earn annual leave at a rate equal to two (2) times the number of hours in an employee's standard work week (excluding overtime).

Full-time active service employees with more than five (5), but less than fifteen (15) years of continued service shall earn annual leave at a rate equal to three (3) times the number of hours in an employee's standard work week (excluding overtime).

a. Full-time active service employees with more than fifteen (15) years of continued service shall earn annual leave at a rate equal to four (4) times the number of hours in an employee's standard work week (excluding overtime).

b. All full- time active employees who work less than forty (40) hours per week, but regularly work at least thirty (30) hours or more per week shall be entitled in each calendar year to annual vacation at a rate in proportion to the number of hours in an employee's workweek calculated as follows:

    1. Up to five (5) years of full-time service multiply the number of hour worked in a work week by .038462
    2. More than five (5) years of full-time service, up to fifteen (15) years of full-time service multiply the number of hours worked in a work week by .057693
    3. More than fifteen (15) years of full-time service, multiply the number of hours worked in a work week by .076924.

3. Computation of Annual Vacation Leave:

    a. Annual vacation leave for all full-time active service employees shall be based on a calendar year (January 1 to December 31) and shall be computed periodically as determined by the Personnel Department and based on the payroll and creditable service time of employees. All annual vacation leave shall be computed in accordance with the rates shown in paragraph number 2b, 2c, or 2d of Section B of this Rule, which is based on length of service.

    b. After six (6) months of continuous full-time active service an employee will be eligible to request annual vacation leave, with the maximum amount being the

amount of annual vacation leave already earned. The amount of annual leave charged to an employee shall be equal to the number of regularly scheduled hours such employee would otherwise have worked during his or her absence on such leave.

4. Vacation Schedule: The arranging of a vacation schedule shall be the responsibility of the department head with particular regard to the needs of the City and then, insofar as practical, with the request of the employee.

5. Accumulation of Annual Vacation Leave: The intent and purpose of annual vacation leave is to provide a period of rest and relaxation of at least two (2) weeks during for the permanent employee or to provide emergency leave as hereinafter provided. Therefore, only that amount of annual vacation leave granted each year which exceeds two (2) times the number of hours in an employee's standard work week, and which was not used by the employee prior to December 31 of the year granted, shall be and will be permanently thereafter defined as cumulative. The employee will be required to take non-cumulative annual vacation leave before December 31 of the year following that in which such leave was earned or forfeit same. If due to a disaster, civil disorder or other declared emergency situation, would be detrimental to the interest of the City to allow an employee his or her annual vacation leave within the prescribed period the City Manager may allow carry over of annual leave that is impacted by the above

6 Entitlement Upon Retirement or Separation From Service:

For employees hired before October 1, 2010 : Prior to retirement or upon separation from service, whether voluntarily or involuntarily, an employee shall, after one (1) year continuous active service, be entitled to vacation leave pay for up to 1500 hours of the unused accrued vacation time.

For employees hired on or after October 1, 2010: Prior to retirement or upon separation from service, whether voluntarily or involuntarily, an employee shall, after one (1) year-continuous active service, be entitled to vacation leave pay for up to thirty (30) days (240 hours for 8 hours per day scheduled workers or 300 hours for 10 hours per day scheduled employees)of the unused accrued vacation time.

Section C. Sick Leave With Pay:

1. Entitlement: An employee who is injured or ill, is unable to work and must be absent from duty, may after three (3) months of continuous active full-time service, be granted sick leave as hereinafter provided. During the first three (3) months of employment, an employee may be granted sick leave without pay because of illness or injury not incurred on-the-job, but such leave will extend the employee's probationary period.

   Sick leave may be used to supplement workers' compensation provided by law up to a combined amount not to exceed 100% of the employee's net weekly salary (less any overtime). Should an employee be denied workers' compensation or be ineligible to receive such compensation, the employee may request sick leave or annual leave.

2. Rate of Earning Sick Leave:

   a. Full-time active service employees who regularly work forty (40) hours or more per week shall earn sick leave, calculated at an hourly rate on the first (40) hours per pay period, as follows:

      1. Eighty (80) hours per year from date of original appointment until completion of three (3) years classified service.
      2. Eighty-eight (88) hours per year from date of completion of three (3) years until completion of five (5) years classified service.
      3. Ninety-six (96) hours per year from date of completion of five (5) years classified service.

b. Full-time active employees, who work less than forty (40) hours per week, but regularly work at least thirty (30) hours or more per week, shall be entitled to sick leave at a rate in proportion to the number of hours in such an employee's work week, calculated as follows:

1. Up to completion of three (3) years of full-time service, multiply the number of hours worked in a work week by .038462

2. More than three (3) years of full-time service and up to completion of five (5) years of full-time service, multiply the number of hours worked in a work week by .042308; and

3. More than five (5) years of full-time service, multiply the number of hours worked in a work week by.046154.

3. Computation of Sick Leave:

a. Sick leave may be used as needed. All sick leave shall be computed periodically as determined by the Personnel Department and based on payroll and creditable service time of employees.

b. After three (3) months of continuous full-time active service an employee will be entitled to sick leave with pay, with the maximum amount being that amount of sick leave already accrued based on length of service.

c. The amount of sick leave used by an employee shall not exceed the number of regularly scheduled hours such employee would otherwise have worked during absence on such leave. Sick leave will be charged in multiples of one-half hour.

4. Proof of Illness: Sick leave shall not be authorized unless checked by a physician, nurse or other person designated by the Personnel Director to make check visits, or other such other proof of illness as the Personnel Department may accept or require. Such check visits shall be made by a person or persons approved by the Personnel

Director or his or her designee. The departments shall be responsible for reporting absences to the Personnel Department immediately and in no case later than noon so that check visits, if required, may be made. The Personnel Department will require a statement in writing, signed by a licensed physician or health care provider or the submission of other substantiating evidence that the employee is incapacitated or unable to perform his or her duties when a request for sick leave is three (3) consecutive working days or more. The Personnel Director may request that payment or sick leave be denied for all salary and wages for such period of absence for which the provisions of this rule have not been completed by the employee, and to invoke any penalty provided in Rule III, Section G.

5. Supplemental Compensation Provision: Should an employee become temporarily disabled as a result of an on-the-job injury, and be declared eligible for Workers' Compensations provided for in Florida Statutes, supplemental compensation may be granted in accordance with Section 19-27 through 19-30.2 of the Code of Ordinances of the City of North Miami.

Supplemental compensation is defined as the difference, if any, between Workers' Compensation benefits and the employee's normal rate of pay for the number of hours in the employee's standard work week (overtime excluded), at time of injury.

6. Accumulation of Sick Leave: An employee shall be allowed to accumulate up to 320 hours of unused sick leave and thereafter one-half of any additional sick leave accruing over and above 320 hours shall be granted to the employee as additional annual vacation leave and shall be subject to the provisions of this rule.

The other one-half accruing over and above 320 hours remain as sick leave.

An employee shall be allowed to accumulate unlimited sick leave.

7. Entitlement Upon Retirement or Separation From Service

Upon separation from service, payment of accrued sick leave, up to 1000 hours shall be made in a lump sum to the employee as follows:

25% of total up to 1,000 hours if less than 10 years of employment or

50% of total up to 1,000 hours if employed 10 – 19 years

100% of total up to 1,000 hours if employed 20 years or more

8. Authorized Uses of Sick Leave: In addition to the uses prescribed under Subsection 1 of this Section, sick leave may be used by employees for doctor and dental appointments, provided proof of reporting for same is supplied. Sick leave so used will be charged as provided herein. Employee shall attempt to make appointments at a time to miss as little time as possible from workday.

9. Injuries From Outside Employment: Employees shall not be authorized sick leave with pay for any absence resulting from inability to perform their regular City duties due to an injury sustained in the course of, or arising out of, other outside employment.

Section D. Emergency Leave:

Emergency leave may be granted an employee, upon request, in case of serious illness in his or her immediate family or to conduct necessary legal business transactions which cannot be handled in off-duty hours. Such leave shall be charged against the employee's accumulated annual leave or if the employee so elects, it will be deducted from his or her current week's pay.

Section E. Transfer and Conversion of Accrued Vacation and Sick Leave:

In the event of a transfer between departments or divisions, the employee's accrued annual vacation and sick leave shall be assumed by the department or division to which transfer is made.

Section F. Military Leave:

The City will comply with the Uniformed Services Employment and Re-employment Rights Act (USERRA) and Chapter 115, Florida Statutes. Upon returning from military leave, and employee will be reinstated at the same pay grade/step he or she earned prior to taking military leave, in

addition to any cost of living increases that were granted during the leave. An employee may request, in writing

to his department head, adjustments to work schedule for military weekend drills. Such request shall be submitted at least fourteen (14) days prior to the drill date (if it is provided to employee by armed forces in time to comply with timeline).

Section G. Leave Pursuant to American With Disabilities Act

If an employee is unable to perform the essential functions of his job, with or without an accommodation, or otherwise presents a danger to himself or to others, the provisions of the Americans with Disabilities Act will be applied in compliance with federal law and Administrative Regulation 1-53.

Section H. Special Leave Without Pay:

An employee having regular status in a position in the Classified Service who desires to engage in a course of study such as will increase his or her usefulness upon return to the Classified Service, or who for any reason considered good and sufficient by the department head, the Personnel Director and City Manger. If granted the special leave of absence will be without pay for a period not exceeding one year. An employee asking for special leave without pay shall submit a request in writing stating the reasons why the request should be granted the date when he or she desires the leave to begin, and the probably date of return. The employee is not entitled to his or her former position upon return from such leave. The employee's name shall be placed on the eligible list for the class or may apply for other vacant positions.

Section I. Leave to Serve on Jury Duty and as a Witness for the City:

Whenever a regular employee is required to serve as a juror, he or she shall be granted leave for such purpose upon presentation of jury notice to the department head. The employee shall receive full pay for the time served on the jury, provided the money received for jury duty is submitted to the Finance Director for deposit in the General Fund. When an employee is required to serve as witness in any legal proceedings, in connection with his employment with the City he

or she shall receive full pay for the time required to be absent from duty, provided the money received as a witness minus mileage is submitted to the Finance Director for deposit in the general fund. If employee is a witness in any legal proceeding not in connection with his employment with the City, or is a party in any legal proceeding, whether against the City or not, leave will be granted as set forth in section D of this rule. For any employee who is a named defendant in a legal proceeding brought as a result of his employment with the City, leave will be granted at the discretion of the Personnel Director in accordance with this section or section D of this rule. Requests for leave for jury or witness duty will be reported on time sheets.

Section J. Time Off for Special Meetings, Training or Conferences

Whenever it is deemed to be in the best interest of the City, employees may be granted time off with pay to attend meetings, training or conferences which may contribute to the effectiveness of their service to the City. Written request for such time off with reasons, therefore, must be submitted to the department head for approval at least ten (10) calendar days in advance of such meeting.

Section K. Administrative Leave

Employees may, in the sole discretion of the City Manager, be placed on administrative leave with pay or without pay for any reason deemed sufficient by the City Manager and not specifically covered by another provision of these rules. The pay status of the employee will also be in the sole discretion of the City Manager.

Section L. Leave for Death in the Immediate Family:

Any employee will be granted three (3) days leave of absence with pay in the event of death in the immediate family, without deductions from accumulated sick leave, annual leave or current week's pay. For absence in excess of three (3) days, deductions may be made from accumulated sick leave, annual leave or current week's pay at the option of the employee. The term "immediate family" shall include spouse, children, parents, grandparents, brothers, sisters of employee or spouse.

Section M. Family Medical Leave

The City will grant a leave of absence to regular full time and regular part time employees, in compliance with the federal law and Administrative Regulation 1-82.

Section N. Reporting Leave of Absence:

No employee shall be permitted to be absent from duty for any period of time other than scheduled breaks without permission of his supervisor and without reporting such absence on the time sheet. Periods of absence from duty in excess of fifteen (15) minutes, due to tardiness or other reasons, shall be charged against the employee's leave record and must be reported.

RULE XIII

SEPARATIONS AND SUSPENSIONS

Section A. Authority to Demote, Remove, Fine or Suspend:

1. Any regular employee in the classified service may be demoted, removed, fined or suspended from an employment by the City Manager or by the head of the department in which employed if so authorized by the City Manager for any cause which will promote the efficiency of the service. The affected employee must be furnished with a written statement of the reasons therefore within five (5) calendar days from the date of such disciplinary action and be allowed to answer such reasons in writing, which shall be made a part of the personnel records. Such disciplinary action shall be effective on the date when a written notice of disciplinary action is furnished the employee.

   Written notice of removal given to any employee, or written notice left at or mailed to his/her place of residence, shall be sufficient to put any such disciplinary action into effect, and it shall be the duty of the appointing authority taking the action to notify the Personnel Department forthwith.

   Any employee in the classified service who deems that he or she has been demoted, removed, fined, or suspended without just cause may, within fourteen (14) calendar days of such action, request in writing a hearing before the Personnel Board to determine the reasonableness of the action, except that any disciplinary action imposed upon an employee following review of an accident of injury by the City's Accident Review Boards pursuant to subject to appeal to the Personnel Board, but shall be subject to review in accordance with the respective aforementioned Administrative Regulation or as the same may hereafter be amended.

   Whenever formal charges are brought against any employee in the classified service before the Board, no individual member of the Board shall discuss the case with the employee concerned, or the employee's authorized agent, or any witnesses, prior to the hearing during a recess, or during a continuation of a hearing. The Board shall, within sixty (60) calendar days after a request for appeal by a disciplined employee, proceed to hear such appeal

   Any member of the Board, or the Personnel Director, may administer an oath to witnesses appearing before said Board or said Director in an investigation, disciplinary or appeal proceedings, and shall have the power to issue witness subpoenas to City employees and to compel the attendance of such witnesses.

   After hearing and considering the evidence for and against the employee, the Board shall report in writing to the City Manager its findings and recommendations. The Personnel Director shall report to the Personnel Board any changes made by the City Manager which reverse, modify or amend the recommendation(s) of the Personnel Board. The City Manager has the right to sustain, reverse, or modify the action of the Personnel Board.

Section B. Causes for Demotion, Dismissal, Removal, Fine or Suspension:

The following are declared to constitute cause for demotion, dismissal, removal, fine(s) or suspension of an employee without pay, although charges may be based on causes other than those enumerated:

1. That the employee is incompetent or inefficient in the performance of assigned tasks or duties.
2. That the employee has been guilty of conduct unbecoming an employee of the City and/or offensive in his or her conduct toward co-workers, City officials or the public while on duty, provided allegations shall be specific and shall describe the conduct or offensiveness which is the basis of the charge(s).

3. That the employee has been indicted by a Grand Jury or against whom information has been filed by a State Attorney or a United States Attorney for a felonious offense.

4. That the employee has been convicted of a felony, or of a misdemeanor involving moral turpitude.

5. That the employee has failed to maintain duly established standards of physical fitness as outlined in the Medical Standards Manual of the City of North Miami.

6. That the employee has refused to give information which may bear on the subject employee's own fitness to remain in the employ of the City of North Miami, through the plea of "self-incrimination" or for any other reason.

7. That the employee has some permanent or chronic physical or mental ailment or defect which incapacitates him or her for the proper performance of assigned duties, substantiated by competent medical evidence.

8. That the employee has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given by a supervisor when such violation or failure to obey amounts to insubordination or serious breach of discipline.

9. That the employee has been induced, has induced, or has attempted to induce an officer or employee in the service of the City of North Miami to commit an unlawful act, or to act in violation of a lawful and reasonable departmental or official regulation or order.

10. That the employee has used, or threatened, or attempted to use political influence in securing promotion, leaves of absence, transfer, change in pay, change in character of work, or revision of examination grade.

11. That the employee has guided, or in any manner has been concerned in assessing, soliciting, or collecting money from any officer or employee in the service of the City of North Miami for the purpose of personal gain or making a political contribution.

12. That the employee has taken any fee, gift, or other valuable thing in the course of his or her work in connection with it for his or her personal use from any citizen, when said

contribution is made with the hope or expectation of receiving a favor or better treatment than is accorded to other citizens.

13. That the employee has accepted or received any gift, reward, present, donation, gratuity, or other thing of value for the performance of any duty imposed upon him or her by virtue of his or her office aside from his or her official capacity. Provided, however, that this rule shall not apply in cases of meritorious service rendered by a member of the classified service of the Civil Service of the City of North Miami when a member of said service has been specially authorized by the City Manager in each instance to receive such reward, gift, present, donation, gratuity, or other thing of value and when a permanent record shall be kept in each such instance in the office of the City Manager.
14. That the employee has participated in any strike or has asserted the right to strike against the City.

15. That the employee has, in an official capacity, solicited attorneys or physicians for persons or employees involved in accidents, in injuries sustained by employees in the course of their employment, in property damage, or in any litigation involving the City of North Miami.

16. That the employee has been under the influence of alcoholic beverages on duty, conduct while under said influence bringing reproach upon the City of North Miami; or has been under the influence of drugs, narcotics, barbiturates or central nervous system stimulants as defined in the Florida Statutes while on duty, such conduct under said influence bringing reproach upon the City of North Miami.

17. That the employee through negligence or willful conduct has caused damage to public property or waste of public supplies or public funds.

18. That the employee has misappropriated City funds, appropriated City property for personal use, or illegally disposed of City property.

19. That the employee has been the cause of an excessive number of preventable accidents.

20. That the employee, whose position requires the operation of a motor vehicle in the performance of assigned duties, has lost his or her driver's license and driving privileges by due process of law.

21. That the employee has operated a City-owned or other vehicle utilized in the service of the City with disregard for the safety of others.

22. That the employee has been habitually tardy in reporting for duty or has absented himself or herself frequently from duty during regular hours.

23. That the employee has hindered the regular operation of the department or division because of excessive absenteeism.

24. That the employee has intentionally falsified a time record, has failed to properly report absence from duty to supervisors, or has made a false claim for leave.

25. That the employee has been absent without leave or has filed to report after leave of absence has been disapproved, revoked, or canceled by the appointing authority or the department director, provided however, that if such absence or failure to report is excusable, the department director may, upon the recommendation of the appointing authority, dismiss the charges.

26. That the employee has willfully, wantonly, or through culpable negligence, been guilty of brutality or cruelty to a person in custody.

27. That the employee has failed to qualify on the examination required for his or her class or position or has failed to attain a position on the eligible list which permits selection except as otherwise provided within these rules and regulations.

28. That the employee, after employment, is found to have a false statement in said employee's application for employment.

29. That the employee refuses to have fingerprints or photograph taken when directed to do so.

30. That the employee has violated the provisions of the Civil Service Rules, departmental rules as approved by the Personnel Department, the City Charter, or City ordinances as they apply to his or her employment with the City.

Section C. Appeal Proceedings:

The concept of administrative law under which the Board holds appeal proceedings is as follows: the matter at issue is the appellant's fitness to hold employment in the classified service of the City of North Miami, based upon the charges presently before them; and that therefore the rules of criminal and civil proceedings shall not apply in hearings before the Board.

1. The Board shall establish a time and place for a hearing. The Personnel Department shall given written notice of the time and place of the appeal hearing to the appellant, the City Manager, the director of the department, the Personnel Board and the City Attorney.

2. The proceedings shall be as informal as is compatible with the essential requirements of the law.

3. A record of the charges and the appellants' written answer, if any, shall be included in the minutes of the Board. The testimony taken at the hearing shall be under oath and shall be transcribed.

4. The admission of evidence shall be governed by the Board's rulings, with the advice of the Board's counsel. Strict rules of evidence, as in courts of law, shall not apply. Evidence is to be admitted at the discretion of the Board and pertinent information considered for the purpose of substantial justice for all parties.

5. The appellant may be represented by counsel; the director of the department shall be represented by the City Attorney, other counsel, or designated representative.

6. Admissible as evidence shall be written statements made by the appellants and others, transcripts of oral statements made by appellants and others, and hearsay evidence, for whatever these may be worth. This shall not be considered a limitation as to the admission of other types of evidence, or as to the consideration by the Board of any and all pertinent information.

7. Appellants and all other classified employees of the City may be required to testify. Refusal to testify may be grounds for suspension without pay, fine, dismissal or removal. Admissions against interest may be admitted as evidence. A plea of self-incrimination by a witness may constitute grounds for suspension without pay, fine, dismissal or removal.

8. The Board shall be free to make its determination of appellant's innocence or guilt in keeping with the public interest, based solely on the Board's reasonable interpretation of all the pertinent information available. The Board shall not be bound by a presumption of the appellant's innocence or guilt; such presumption does not prevail in administrative law. The findings of the Board shall be based on competent substantial evidence before it.

9. In considering the appellant's fitness to hold employment in the classified service of the City of North Miami, the Board shall not be bound by the strict letter of the charges as drawn. The Board may allow the charges to be amended at any time, as long as an amendment is material to the charges. In general, the Board in its findings shall be guided, not by technicalities, but by the substance of the information developed in its hearings.

10. The Board has full power to prescribe the manner of conduct of its hearings.

11. After due consideration of the evidence and other pertinent information, the Board shall render its findings in writing to the appellant and to the City Manager. The Personnel Director shall report to the Personnel Board any charges made by the City Manager which reverse, modify or amend the recommendation(s) of the Personnel Board.

Section D. Order of Proof:

The Board shall hear the evidence upon the charges and specifications as filed with it by the director of the department. The order of proof shall be as follows:

1. The director of the department or a designated representative shall present evidence in support of the charges.

2. The appellant shall then produce such evidence as he or she may wish to offer in defense.

3. The director of the department may offer rebuttal evidence.

5. The Board at its discretion may hear further arguments and/or evidence or otherwise vary the order of proof.

Section E. Resignation Before Appeal:

The acceptance by a department head of the resignation of an employee demoted, removed or suspended, before final action on the part of the Board, shall be considered a withdrawal of the charges. The separation of the employee concerned shall be recorded as a resignation, and the proceedings shall be dismissed without judgment. A copy of the charge(s) shall remain in the personnel file of the employee and a notation shall be made on the copy of the charges to the effect that charges were withdrawn pursuant to Civil Service Rule XIII, Section E.

Section F. Failure of Parties to Appear:

If the employee or the department head shall fail to appear at the time fixed for the hearing, the Board may, for good cause grant a continuance, or may render judgment by default, or hear the grievance and render judgment thereon. The Board shall forthwith notify the City Manager, the department head, and the affected employee of its recommendation(s) in writing.

Section G. Report of Findings:

The Board shall report in writing to the City Manager, the department head and the affected employee of its findings and recommendation(s) on all appeals. Thereupon, the City Manager shall make such final disposition of the matter as deemed desirable; provided however, it shall be the policy of the City that the City Manager shall follow the recommendation of the Board unless such recommendation are clearly contrary to the good of the service. The Board may at its discretion:

1. Recommend the restoration of the employee to his or her position, and may also recommend that pay be restored retroactive to the date of removal or that part or all such pay be forfeited for that period. At its discretion, the Board may further recommend that a removal be commuted to a suspension if such action is found to be for the good of the service.

2. Recommend confirmation of or the increase or decrease of any suspension period or fine imposed by an appointing authority.

3. Recommend the demotion of the employee to a class for which a lower maximum rate of compensation is prescribed.

4. Recommend the removal of the employee from the position. A copy of the written statement of reasons given for any suspension, fine or removal, and a copy of any written reply hereto by the employee involved, together with a copy of the decision of the Board, shall be filled as a public record in the office of the Personnel Department.

Section H. Disqualification for Reappointment:

Any employee who is removed for cause, or who resigns during or immediately following an unsatisfactory service rating period, or during a period of suspension, shall be disqualified for taking any examination and from appointment for at least two (2) years from the date of removal or resignation, unless in the judgment of the Personnel Director said charges will not affect the employee's usefulness in some other classification.

Section I. Physical Incapacitation:

Medical examinations may be required for all employees in the classified service for the purpose of determining the employee's physical ability to perform his or her duties of the position held. The frequency of examinations for various classifications shall be determined by the Personnel Director, as specified in Rule VI, Section G.

A physician retained by the City shall conduct and pass upon all medical examinations required under the provisions of this rule and shall report in writing any findings, conclusions and recommendations to the Personnel Director. The physician's report shall indicate whether or not the employee is capable of performing his or her duties of the position held. Any employee holding regular status in the classified service who deems that he or she has been retired or removed from the payroll for medical reasons without just cause may, within fourteen (14) calendar days of such action request in writing a hearing before the Personnel Board to determine the reasonable of the action.

Should it be determined that the employee is unable to continue in the performance of his or her duties, the director of the department in which the employee is employed shall remove said employee.

When an employee, because of a non-service connected disability, becomes physically incapacitated for the performance of the duties of a particular classification, the Personnel Director, with the approval of the City Manager, may transfer said employee to a vacant position in a classification within the employee's capabilities, provided, however, that the City physician shall certify the employee's physical ability to perform in the new position. An employee transferred in accordance with this section shall be required to serve the standard probationary period prescribed within these rules.

Section J. Demotion, Reduction in Pay or Position:

Hearings on appeal from regular employees demoted, reduced in pay or position, by the appointing authority, shall be conducted generally in the same manner as hearings on appeal from orders of removal. Layoff(s) or rollback(s) resulting from the action of a demotion shall be processed in accordance with the procedure outlined in Section K through O of this Rule.

RULE XIII

SEPARATION AND SUSPENSIONS

Section K. Layoff/Rollback

The City Manager shall have the power to separate any general employee from the Classified Service whenever such action is made necessary by reason of shortage of funds, an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel, lack of work, the abolition of one or more positions, or because of organizational changes.

Whenever the layoff of one or more employees shall become necessary, the City Manager shall immediately notify the Personnel Director in advance of the intended action. The Personnel Director shall thereafter furnish to the City Manager the names of the employees to be laid off in the order in which such layoff(s) shall be applied based on layoff scores.

The order of the City Manager separating an employee or employees in accordance with the provisions of this rule for any of the reasons enumerated herein, shall be final and not subject to appeal to the Personnel Board. All layoffs shall conform with the requirements of the Age Discrimination in Employment Act (ADEA) and the Older Workers' Benefit Protection Act (OWBPA).

Layoff Guidelines: A reduction in the number of employees in a class shall be made in the following order: 1. Seasonal employees; 2. Provisional employees; 3. Temporary employees; 4.Substitute employees; 5.Probationary employees; 6. Regular employees;

1. Layoff shall be restricted to found to have the lowest layoff score in the classification(s) identified by the City Manager.
   The laid off employee shall be entitled to fill any existing vacancy in the City which he/she is eligible.

   Should there be no vacancy, the employee with the

lowest layoff score shall be entitled to replace the employee with the lowest layoff score City-wide. Such action shall be designated as a "rollback". A laid off employee shall have the right to replace another employee (with a lower layoff score), provided that the laid off employee held regular status in the lower classification. Such action shall also be designated as a "rollback" or a "bump".

2. No employee shall replace another employee with a lower layoff score unless there is reasonable assurance that the employee with the higher score is capable of satisfactorily performing the duties of the position within a reasonable period of on- the- job training and within a reasonable time period (equivalent to up to a 90 day period), as determined by the performance review by the immediate supervisor, Department Director and approved by the Personnel Director. An employee failing to perform satisfactorily in the position will be allowed to continue to exercise rights in this section including being placed on re-employment list.

3. The Personnel Director will notify affected employees of pending layoff, rollback and bumping as far in advance as possible. Classified employees pending layoff will be given a minimum of 15 work days written notice or be paid for up to 15 days if shorter notice is given.

4. Layoff Score Calculation

The order of layoff or rollback of regular employees shall be determined by a layoff score computed in the following manner:
Length of Service (up to 20 years) plus Attendance rating (for past 5 years) plus Evaluation rating (for past 5 years)plus veteran points, if applicable. For layoff calculation procedures see Administrative Regulation.

5. The Personnel Director may refer the employee laid off to be considered for vacant positions for which the laid off employee is qualified. An employee transferred in accordance with this

section shall be required to serve the standard probationary period prescribed within these rules.

6. If the said employee has progressed in continuous and uninterrupted service through and holds regular status in each of several job classifications in the same job family, the employee shall hold job seniority in any one of the several job classifications as follows:

   a. In the highest job classification, only seniority actually accrued in that classification shall apply.

   b. In any lower job classification, all seniority accrued in said lower classification, together with all seniority accrued in the higher job family classifications, shall comprise the total seniority in the aforesaid lower job classification.

      A job family, occupational group or subdivision shall be determined in accordance with the outline of the Classification Plan. Where the line of promotion or the qualification of an employee to fill a lower class is uncertain, the Personnel Director shall make the final determination and file a certificate of findings with the employee's records.

7. Any employee holding regular or probationary status in one job classification and elevated to a higher classification for the good of the City on a temporary, substitute or probationary status, shall continue to accrue seniority in the former classification vacated.

8. Employees who have been promoted in other than the same job family will maintain seniority in their previous classification as of the date they are promoted from that classification, but they will not accrue further seniority in their previous classification.

Section L. Re-employment Lists for Regular Work~~:~~

The names of the persons who held regular status in the Classified Service who have been subject to layoff shall be placed on an appropriate re-employment list for regular work in the order of their layoff score, the highest being first, for a period not to exceed one (1) year. While on the re-employment list, persons may be certified for re-employment~~,~~ as provided in Rule VII, Section I, Subsection 1. Such employees shall be re-employed with seniority accrued prior to the layoff, but will not accrue seniority during the period of layoff. Re-employment lists for regular work shall take priority over all other lists, including promotional lists.

Section M. Layoff of Probationary Employees~~:~~

The names of persons who hold probationary status in the ~~c~~Classified ~~s~~Service, in positions which have been abolished or have become unnecessary, shall be placed on the current eligible list of their classification in accordance with the procedure outlined in Rule VII, Section H, Subsection 4. If a current eligible list does not exist at time of layoff, eligible lists shall be established comprised of probationary employees who have been laid off, for each affected classification.

Section N. Resignation in Lieu of Layoff~~:~~

Any former employee who has resigned from the Classified Service in lieu of being laid off, will not be eligible for reinstatement. Such former employees, upon application for employment, will be processed in the same manner as any other applicant, including the filing of an application, the taking of an examination, and the selection from an eligible list in accordance with these Civil Service Rules. No seniority credit will be given for service rendered prior to date of resignation.

Section O. Declining of Positions Offered Under This Rule

Should an employee laid off under this Rule who is eligible for immediate placement decline to accept the position offered it shall result in his or her removal from that

list. The employee thereafter forfeits any future rights for consideration in the subject classification.

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Section P. Dismissal:

1. Any employee, not having regular Civil Service status, may be dismissed from the classified service for any cause which will promote the efficiency of the City service. This action may be taken by the employee's department director without the filing of charges, and such employee shall not be entitled to an appeal hearing.

2. Any probationary employee in the classified service under an original appointment who fails to be recommended for regular status by the appointing authority at the end of a probationary period, shall be automatically rejected and dismissed as an unsatisfactory employee.

3. Any employee, under an original appointment, who fails to qualify on a medical or physical examination, has as unsatisfactory character report, has as unsatisfactory police record, or who is discovered to have deliberately falsified the employment application, shall be automatically rejected and dismissed as an unsatisfactory employee.

Section Q. Removals:

Any employee of the City in the classified service who has completed the probationary period prescribed in accordance with these Rules may be removed from employment for cause by the appointing authority. An employee with regular Civil Service status who has been removed from the city service for cause, shall be entitled to those appeal rights as contained within these Rules. All removals must be recorded in the employee's service records.

Section R. Resignation:

An employee in the classified service who desires to resign from City employment in good standing, shall submit to the department head a written resignation stating the date the employee is leaving and the reasons for resignation. Notice of resignation must be submitted at least twelve (12) calendar days prior to leaving, unless otherwise agreed to in writing by the department director. An employee who resigns relinquishes all rights recognized under Civil Service status. Failure to comply with the procedures outlined in this section will constitute cause for denying an employee future employment with the City.

Unexcused absences from work for a period of three (3) successive working days may be considered by the department head as a resignation. All resignations shall be deemed final when submitted, and no resignation may be withdrawn or rescinded after submission. All resignation shall be forwarded

immediately to the Personnel Department after receipt by the department director. The Personnel Director may rescind such resignation for good cause.

Section S. Suspension:

Any employee of the City in the classified service who has completed the probationary period prescribed in accordance with these Rules may be suspended from employment without pay for cause by the appointing authority. An employee with regular Civil Service status who has been suspended without pay from the City service for cause, shall be entitled to those appeal rights as contained within these Rules. All suspensions must be recorded in the employee's service records.

Section T. Termination:

An employee who has satisfactorily completed a seasonal, provisional, temporary or substitute appointment shall at the end of said appointment by separated from the City service without prejudice and may be considered for future employment in accordance with the provisions of these Rules.

Section U. Formal Written Reprimand:

1. A written notice issued by the appointing authority to an employee in the classified service on the standard form designated by the Personnel Director is considered a formal written reprimand. A written reprimand is given to an employee as notification of improper behavior or misconduct. It is a notice to correct or improve behavior or conduct. A reprimand provides notice that unless behavior is modified or conduct improves, further, more severe disciplinary action will be taken.

   A formal written reprimand may be issued as a form of disciplinary notice to the affected employee. However, a formal written reprimand may also accompany a more severe disciplinary action such as suspension, fine, dismissal, demotion or removal.

2. An employee in the classified service of the City who receives a formal written reprimand may appeal the reprimand to the City Manager. The appeal request must be submitted in writing to the Personnel Department within five (5) calendar days of receipt of the reprimand.

   The appointing authority issuing the written reprimand shall provide the Personnel Department with such documentation and written explanation as deemed necessary to support the issuance of the reprimand. The employee appealing the reprimand shall provide a written statement outlining the reason(s) why the reprimand is being disputed.

   All material relevant to the appeal given to the Personnel Director shall be made available to the City Manager for his consideration.

   The City Manager shall discuss the matter with the affected employee and the appointing authority who issued the reprimand, when appropriate, or as circumstances warrant.

3. The decision of the City Manager concerning the disposition of a formal written reprimand shall be final and not subject to appeal under these Civil Service Rules or the grievance

procedures of any contractual agreement concerning terms and conditions of employment between the City and any association, union or fraternal organization.

RULE XIV

EMPLOYEE PERFORMANCE EVALUATION

Section A. For General Employees:

This rule governs general employees. It does not pertain to employees covered by a collective bargaining agreement.

1. Standards of Performance:

   It shall be the duty of the Personnel Department to administer an employee performance evaluation plan for the purpose of measuring the performance of employees. The performance evaluation plan shall measure, as objectively as possible, attendance, knowledge, skills, abilities, quantity of work, quality of work, the manner in which work is completed and the observance of regulations and procedures properly governing the performance of the duties of each position in the Classified Service.

2. Performance Evaluations:

   The Personnel Department shall require department heads to periodically prepare performance evaluations of individual employees, utilizing the format prescribed. Performance evaluations shall, when applicable, be based on the judgment of the employee's immediate supervisor with input from at least one other supervisor in the employee's department with direct knowledge of the employee's performance. The factors and the method of rating shall be the same for all employees in the same classification and shall bear fare relationship to the duties and responsibilities of the employees to be evaluated. Upon completion of the performance evaluation, the form shall be reviewed with the employee for signature. Employee's signature does not indicate agreement with the rating. The employee may add his comments to the form, or attach a separate page. The original, signed form shall be placed in the employee's personnel file. The employee shall receive a copy.

   a. Rating Periods: All probationary employees are to be evaluated every six (6) months. Regular employees are to be evaluated on an annual basis. An employee's original appointment date shall be used as the base date for subsequent annual or semi-annual evaluations.

      If an employee receives a promotion, demotion, interclass transfer, change in classification or change in merit review date, the action shall be the base date for subsequent performance evaluations.

   b. Appeal Procedure: An employee who receives an overall evaluation of less than satisfactory may appeal the evaluation. The employee must submit supporting facts and documentation to the Personnel Director explaining why their rating should be satisfactory or above. Appeals must be filed within fourteen (14) calendar days of employee signing performance evaluation. The Personnel Director shall respond to the appeal within fourteen (14) calendar days of receipt.

If the Personnel Director changes the employee's overall evaluation to a satisfactory or above, or if the evaluation does not result in denial of a merit pay increase, the employee has no further right to appeal.

If the Personnel Director does not change the overall evaluation and it results in denial of a merit pay increase, he may request an appeal before the Board within fourteen (14) calendar days of response from Personnel Director. After hearing the appeal, the Board shall have the power to recommend to the City Manager approval, modification, or rejection of the results of the Personnel Director's review, if it finds the evaluation to be unjustified. The final decision will be made by the City Manager.

An employee with an overall rating of satisfactory or above may appeal the rating to the Personnel Director within fourteen (14) calendar days of employee signing evaluation. The employee must submit supporting facts and documentation to the Personnel Director explaining why their rating should be above satisfactory. The Personnel Director shall respond to appeal within fourteen (14) calendar days of receipt. If the employee is not satisfied with the response from the Personnel Director, he may request review by the City Manager within fourteen (14) calendar days of response from the Personnel Director. The City Manager may approve, modify, or reject the results of the Personnel Director's review. The Manager's decision shall be final. He may not appeal rating to the Personnel Board.

c. Unsatisfactory Performance Rating: An overall unsatisfactory performance rating shall be considered cause for disciplinary action. Each employee receiving such a rating shall be reviewed on a monthly basis until such time that the substandard performance which led to the unsatisfactory rating improves to a satisfactory level or until such time as the department head determines, with the approval of the City Manager, that the employee's sub-standard performance warrants removal of the employee from employment with the City. The monthly reviews may begin immediately, even if the employee appeals the evaluation. Receipt of an overall unsatisfactory rating on two (2) consecutive annual evaluations shall result in automatic removal of the subject employee. Any employee who resigns during or immediately following an unsatisfactory rating period shall be disqualified from taking any examination for employment and from appointment to any position for at least two (2) years from the date of resignation, unless the Personnel Director, with the approval of the City Manager, determines that the prior unsatisfactory evaluation will not affect the employee's ability to perform the position sought.

Section B. For Police Officers and Police Sergeants covered by a collective bargaining agreement:

1. Standards of Performance:

It shall be the duty of the Personnel Department to administer a performance rating plan, approved by the Personnel Director for the purpose of measuring the performance of employees. The performance rating plan shall measure, as objectively as possible, both quantity and quality of work, the manner in which the service is rendered and the observance of regulations and procedures properly governing the performance of the duties of each position in the classified service.

2. Performance Ratings:

The Personnel Department shall require appointing authorities to prepare ratings of individual employees, periodically, and upon forms prescribed. Performance ratings shall, when possible, be based upon the independent judgments of two (2) or more supervisors, at least one (1) of whom shall be the immediate supervisor of each employee whose performance is rated. The factors and the method of rating shall be the same for all employees in the same classification and shall bear fair relationship to the duties and responsibilities of the employees to be rated. After the performance rating form has been marked in ink, it shall be presented to the employee for review and signature.

a. Rating Periods: All probationary employees are to be evaluated every six (6) months. Regular employees are to be evaluated on an annual basis. An employee's original appointment date shall be used as the base date for computation of subsequent annual or semi-annual evaluation dates.

A promotion, demotion, interclass transfer, change in classification or change in merit review date shall require use of the effective date of the aforementioned action for computation of the date of subsequent performance ratings.

b. Preparation of Ratings and Reporting Results: Performance ratings shall be made in duplicate. A copy of the report shall be forwarded to each employee, together with a statement as to whether his or her rating for the items marked falls within the category: "Outstanding", "Above Satisfactory", "Satisfactory", "Unsatisfactory", or "Needs Improvement". The original copy of each performance rating form shall be submitted to the Personnel Department.

c. Appeal Procedure: Upon presenting supporting facts and evidence that a service rating was not determined in the manner prescribed, an employee may request a review by the Personnel Department. If the results are not satisfactory to the employee, he or she may appeal to the Board within fourteen (14) calendar days of notification of rating results. After hearing the appeal, the Board shall have the power to recommend to the City Manager a change in a performance rating when it appears that the rating was not determined in conformity with the provisions of these Rules. See Article 24 of the Collective Bargaining Agreement, "Arbitration of Grievances."

d. Unsatisfactory Performance Rating: An unsatisfactory performance rating shall be considered cause for disciplinary action. Each employee receiving such a rating shall be reviewed on a monthly basis until such time that the substandard performance which led to the unsatisfactory rating improves to a satisfactory level. Receipt of an overall unsatisfactory rating on two (2) concurrent annual ratings shall result in automatic removal of the subject employee.

RULE XV

UNSKILLED LABOR SERVICE

Section A. Unskilled Laborer Applications and List:

Unskilled laborers shall be appointed in the order or priority of application, and with such tests of physical and mental fitness as the Personnel Department may prescribe. Applications will be received as the needs of the service may require and shall be made on forms furnished by the Personnel Department and filed in the manner prescribed.

Section B. General Requirements for Unskilled Labor:

All applicants must:

1. Be citizens of the United States or legal residents aliens.
2. Be within the age limits set by the Personnel Department.
3. Qualify in such tests of mental and physical fitness as the Personnel Department may prescribe.

Section C. Requisition and Certification:

The appointing authority shall make requisitions to the Personnel Department, upon the prescribed form, for the certification of the names of as many unskilled laborers as there are positions to be filled. Names shall be certified according to priority of number of application, and the eligibles certified shall be appointed to the position to be filled. Whenever an eligible who ahs been certified for a probational appointment as unskilled laborer declines appointment or fails to report for work as notified, he or she must file a new application before his or her name may again be certified, unless the reasons given are acceptable to the Personnel Department, in which case his or her name may be certified after those on the current list for unskilled laborers have been certified. The acceptance or refusal of appointment for temporary work shall not affect the right of an eligible to certification for a probational appointment.

Section D. Emergency Employment:

In cases of extreme emergency, employment in the unskilled labor service may be made without regard to these Rules, but in no case to continue longer than seven (7) days without the approval of the Personnel Department, and notice of such employment shall be immediately furnished the Personnel Director in writing, with a statement of a reason therefore. All such appointments may be cancelled at any time by either the appointing authority or the Personnel Department.

RULE XVI

DEPARTMENT REPORTS

Section A. Transmittal of Information:

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

Section B. Service Register:

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

Section C. Organizational Charts:

On or before July 31st of each year, every department and division thereof shall submit to the Personnel Department an organizational charge showing lines of authority and classification of present personnel and any changes in either classification or personnel proposed for the next fiscal year. An explanation of reasons for such proposed changes must accompany each chart.

Section D. Payroll Reports:

Department heads will submit payroll reports, with all information required thereon and will certify that said reports are accurate, legal and in conformance with these Rules.

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