

Board of County Commissioners



MERIT SYSTEM

RULES AND REGULATIONS

(EFFECTIVE 10/5/93)

(Revised 11/15/05)

TABLE OF CONTENTS

<u>PERSONNEL RULES AND REGULATIONS</u>	<u>PAGE</u>
<u>RULE 1. ORGANIZATION AND ADMINISTRATION OF THE MERIT RULES</u>	
1.01 Purpose.....	1
1.02 Merit System Coverage.....	2
1.03 Board of County Commissioners.....	4
1.04 County Administrator.....	4
1.05 Personnel Director.....	5
1.06 Personnel Appeals Board.....	6
1.07 Merit System Rules.....	8
1.08 Discrimination Prohibited.....	10
1.09 County Officers and Employees, Duties.....	11
 <u>RULE 2. DEFINITIONS</u>	
.....	12
 <u>RULE 3. RECRUITMENT AND SELECTION</u>	
3.01 Recruitment.....	16
3.02 Announcement of Vacant Positions.....	16
3.03 Applications.....	17
3.04 Examination Provisions.....	18
3.05 Method of Scoring/Rating Examinations.....	21
3.06 Veterans' Preference.....	22
3.07 Register Provisions.....	22
3.08 Types of Registers.....	25
3.09 Requisition Provisions.....	26
3.10 Procedure for Filling Vacancies.....	26
3.11 Issuance of Referral List.....	28
3.12 Removal of Eligibles From Consideration.....	28
3.13 Processing Applicants Selected.....	29
3.14 Post-offer Physical.....	29
3.15 Types of Employment Status.....	30
3.16 Temporary Promotions.....	32
 <u>RULE 4. PROBATIONARY PERIOD</u>	
4.01 General Provisions.....	34
4.02 Duration.....	34
4.03 Reemployment.....	35
4.04 Dismissal During Probationary Period.....	35
4.05 Probationary Period Performance Reviews.....	35
 <u>RULE 5. DEMOTION AND TRANSFER</u>	
5.01 Types of Demotion.....	37

5.02	Demotion in Lieu of Layoff.....	37
5.03	Effect of Demotion on Pay Grade and Pay Rates..	37
5.04	Lateral Transfer.....	37

RULE 6. CLASSIFICATION AND PAY ADMINISTRATION

6.01	The Classification and Pay System.....	39
6.02	The Classification Manual.....	39
6.03	The Pay Plan.....	40
6.04	Administration of the Pay Plan.....	42
6.05	Classification Review.....	45
6.06	Methods of Payment to Merit Service Employees..	46
	(Overtime, Compensatory Time, Shift Differential, etc.)	

RULE 7. RULES OF CONDUCT; DISCIPLINARY GUIDELINES; ADVERSE
ACTIONS; EMPLOYEE RECOURSE

7.01	General Provisions.....	52
7.02	Rules of Conduct.....	52
7.03	Disciplinary Guidelines.....	56
7.04	Adverse Action: Suspension, Demotion, Discharge.....	60
7.05	Discharge Procedures.....	60
7.06	Employee Recourse.....	63
7.07	Resignations.....	70

RULE 8. LAYOFF

8.01	General Provisions.....	72
8.02	Order of Layoffs.....	72
8.03	Selective Retention.....	73
8.04	Notice of Layoff.....	73
8.05	Severance Pay.....	74
8.06	Demotion in Lieu of Layoff.....	74

RULE 9. LEAVE BENEFITS

9.01	General Provisions.....	75
9.02	Sick Leave.....	75
9.03	Compassionate Leave.....	79
9.04	Vacation Leave.....	80
9.05	Administrative Leave (With Pay).....	83
9.06	Leave of Absence (With or Without Pay).....	84
9.07	Military Leave.....	89
9.08	Workers' Compensation Leave.....	89
9.09	Holiday Leave.....	91

RULE 10. OUTSIDE OR NON-COUNTY EMPLOYMENT

10.01 General Provisions.....93

RULE 11. NEPOTISM

11.01 General Provisions.....94
11.02 Policy.....94
11.03 Definition of Relative.....94

RULE 12. PERFORMANCE REVIEW

12.01 General Provisions.....95
12.02 Responsibility.....95
12.03 Types of Reviews.....96
12.04 Confidentiality.....97
12.05 Merit Increases.....97
12.06 Grievability.....97

ORGANIZATION AND ADMINISTRATION OF THE MERIT RULES

1.01 PURPOSE

- A. It is the intent and policy of the Board of County Commissioners to provide a personnel management system consistent with the following:
1. Recruiting, selecting, and advancing employees on the basis of their relative knowledge, skills, and abilities.
 2. Providing equitable and adequate compensation.
 3. Training employees, as needed, to assure high quality performance.
 4. Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.
 5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, age, disability, marital status, sexual preference or political affiliation and with proper regard for their privacy and constitutional rights as citizens and to take affirmative steps to recruit, employ and advance in employment qualified minorities, women, and persons with disabilities.
 6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.
 7. Assuring that there are no employees on the

County payroll for whom there is no employment need.

8. Assuring that no individual, group, or faction in County employment creates dissension, unrest, disquiet, institutes rumors or by any other act causes dissension and inefficiency to develop in County employment. Such acts shall constitute grounds for dismissal.
9. Informing the Board of County Commissioners when any departmental action to participate in a federal or federally funded program is considered.

1.02 MERIT SYSTEM COVERAGE

- A. These Merit Rules do not apply to the employees of the Fire Rescue Department covered by the IAFF bargaining unit. For employees covered by the CWA bargaining unit, if the contract is silent, the Merit Rules apply.
- B. The County Service shall consist of the Merit Service defined as all permanent full and part-time positions with a regular work schedule except for the following at-will positions:
 1. The Board of County Commissioners, Commissioners' Secretaries, Administrative Assistants and other Commission staff; The County Administrator, Deputy County Administrator, Assistant County Administrators, Executive Assistants to the County Administrator; the County Attorney, Assistant County Attorneys, Staff Attorneys, Legal Assistants; Executive Secretaries, Executive Secretary to the County Administrator; the Internal Auditor; Project Managers; Manager, Intergovernmental Relations; Deputy and Battalion Chiefs; the Administrator, Mini-Grace Committee; Domestic Relations Commissioners; Information Technology Manager (PZB).

2. Department Heads, Assistant Department Heads, Division Heads and Assistant Division Heads.
 3. Members of County Commission appointed boards, committees, and commissions.
 4. Constitutional Officers, judiciary and their respective employees; however, constitutional and judiciary officers who request merit system coverage for their employees and receive approval by the Board of County Commissioners may be covered.
 5. Persons employed in a professional capacity to make or conduct temporary and specific inquiries, investigations, or examinations on the behalf of the Board of County Commissioners or a committee thereof, and other elected officials, or their delegated committees.
 6. Persons employed on a contractual basis to perform special services on an as-needed or retainer basis with the Board of County Commissioners or certain departments.
 7. Employees with temporary status or a non-regular status such as, but not limited to, Students, Interns and positions that are of an on-call and sporadic nature.
 8. Positions within specific programs that have requirements inconsistent with merit principles may be exempted from the merit service upon approval of the County Administrator.
- C. All positions in the Merit Service shall be filled by qualified applicants certified by the Personnel Director and selected by the appointing authority.
- D. The County Administrator shall select, appoint, employ, suspend, or remove any employee under the jurisdiction of the Board of County Commissioners pursuant to any and all procedures adopted by the Board and in accordance with any employee or union agreements and the Merit System Rules for

employees included in the Merit Service. Permanent-status employees within the Merit Service shall be dismissed, suspended, or demoted for just cause or reason and the written statement of such charge or charges shall be filed with the Personnel Director and shall be furnished to the employee. In the case of employees in the Merit Service who have

completed their probationary period, they shall have the right to grieve or appeal such action as provided by Merit Rule 7, Section 7.06. Nothing contained herein shall conflict with the duties and responsibilities of the County Administrator as set forth in the County Administration Ordinance.

- E. At-will employees of the Board of County Commissioners shall only be covered by the Merit System Rules dealing with leave benefits, outside or non-county employment, and nepotism.

1.03 BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners is the final authority for:

- A. Approving the Merit System Rules and Regulations. It may also request the County Administrator to prepare amendments and revisions it deems necessary.
- B. Approving the pay policy.
- C. Nominating and confirming appointments to the Personnel Appeals Board.

1.04 COUNTY ADMINISTRATOR

The County Administrator shall:

- A. Administer and maintain the personnel system subject to the Merit System Rules and Regulations.
- B. Appoint or remove all subordinate officers and

employees subject to the provisions of these Rules and Regulations except those to be appointed and removed by the Board of County Commissioners or elected officials.

- C. Prepare proposed amendments to the Merit System Rules and Regulations and the Classification and Pay Plan in cooperation with the Personnel Director.
- D. Implement and approve special pay schedules in cases of declared emergencies based on the needs and circumstances of the emergency.
- E. Perform other duties, exercise other powers, implement and approve special policies, make exceptions to the Merit Rules and policies and procedures as may be required for the efficient administration of County government.

1.05 PERSONNEL DIRECTOR

The Personnel Director shall:

- A. Provide administrative and technical direction for the Palm Beach County Employee Relations and Personnel Department subject to the provisions of the Merit System Rules and Regulations.
- B. Develop and administer recruitment and examination programs necessary to obtain an adequate supply of competent applicants to meet the needs of County service.
- C. Develop, maintain, and amend a comprehensive classification plan that reflects, on a current basis, the duties and responsibilities of each position.
- D. Administer the Pay Plan including the periodic review of salary and wage levels as they affect County employment and make recommendations for amendments to the Pay Plan as needed.
- E. Provide a system of checking departmental complements to determine that all persons in the

County Service have been properly appointed and are being paid in accordance with these Rules. Provide for the establishment and maintenance of a roster of all employees in the County Service.

- F. Provide forms and procedures appropriate to carrying out the personnel program.
- G. Develop in cooperation with the County Administrator and the various Department Heads training and educational programs for employees in the County Service as conditions warrant.
- H. Serve as Secretary to the Personnel Appeals Board.
- I. Provide leadership in the development of programs for the improvement of employee productivity and morale.
- J. Encourage and exercise leadership in the development of effective personnel administration within the departments of the County Service and make available the facilities of the Personnel Department for that purpose.
- K. Perform any other functions as necessary or as directed by the County Administrator to carry out the purpose and provisions of the Merit System Rules and Regulations.

1.06 PERSONNEL APPEALS BOARD

- A. Each Commissioner of the Board of County Commissioners shall appoint one qualified individual to serve as a member of the Personnel Appeals Board and appointments shall be subject to majority vote of the full Board of County Commissioners. The members of said Board shall be public spirited persons who support the Merit System principles of personnel administration and who are not employed or appointed by Palm Beach County or its employees in any other capacity, official or otherwise.
- B. Personnel Appeals Board members shall serve at the pleasure of the Board, subject to an annual

review. Appeals Board members shall be compensated in the same manner as other boards and commissions serving at the pleasure of the County Commission. Each person appointed to be a member of the Personnel Appeals Board shall be guaranteed freedom from any harassment, discrimination, or interference in performing duties as a Personnel Appeals Board member.

- C. The Personnel Appeals Board shall annually elect by majority vote a Chair for a term of one year, who will preside at all subsequent meetings during said term. A Vice-Chair shall be selected in like manner and shall preside in the absence of the Chair.
- D. The Personnel Appeals Board shall:
 - 1. Convene upon appropriate notice at the call of its Chair, at the call of a quorum of members, or by the Personnel Director upon five (5) calendar days' notice in writing to each Board member. Notice of each meeting shall be posted and shall be open to the public. The Personnel Director shall provide clerical support and a meeting place and minutes shall be kept of each board meeting. The presence of a majority of members of the Board shall constitute a quorum for the transaction of business.
 - 2. Adjudicate adverse action appeals involving discharge and layoff upon request of any permanent-status employee. The Board shall not have authority to develop or define personnel administration policy.
 - 3. Consult with the Personnel Director on appropriate Merit System and personnel matters and render assistance in fostering the development and improvement of personnel standards based on merit principles.
 - 4. Represent the public interest in the improvement of personnel administration in the County Service.

5. Render final and binding decisions for Palm Beach County in appeal hearings and sustain, modify or overturn the actions taken.
6. Administer oaths, call witnesses, and compel the production of books, records, and papers pertinent to any hearing or investigation authorized by the Merit System Rules and Regulations.
7. Establish procedures for the conduct of proceedings before the Personnel Appeals Board.

1.07 MERIT SYSTEM RULES

- A. The Personnel Director, through the County Administrator, shall prepare and submit to the Board of County Commissioners these rules for the Merit Service. The Merit System Rules and Regulations shall have the force and effect of law when adopted or placed into effect. Amendments to the Merit System Rules and Regulations may be made in the same manner. The Merit System Rules and Regulations shall provide, among other things:
 1. For the maintenance and revision of a position classification plan for all positions in the Merit Service, based upon a similarity of duties performed and responsibilities assumed, so that the same qualifications may be required for and the same schedule of pay may be applied to all positions in the same class. The Personnel Director shall allocate the position of every employee in the Merit Service to one of the classes in the plan.
 2. For periodic Pay Plan adjustments, based on wage and salary studies, for all employees in the Merit Service. Revised Pay Plans when needed shall become effective on or about October 1. Employees in the Merit Service shall be paid at one of the rates set forth in the Pay Plan for the classification in which they serve, within whatever budgetary

limitations exist at the time of adoption.

3. For open competitive and promotional examinations which shall determine the relative abilities and qualifications of applicants meeting announced requirements for the respective competitive positions in the Merit Service. Such examinations shall be announced publicly and in advance of the closing date for the filing of applications. Notice of promotional examinations shall be posted in conspicuous places where they may be seen by employees eligible to compete. The Personnel Director, however, may continue to receive applications and examine candidates long enough to assure a sufficient number of eligibles to meet the needs of the Service and to reject applicants who fail to meet job requirements.
4. For the establishment of registers for appointment and promotion, upon which shall appear the names of successful candidates in order of their relative performance or ranking in the respective examinations. The duration of registers shall normally be for 6 months.
5. For provisional employment without examination where no register exists and there is urgent need to fill the positions. Such appointments shall be limited in time.
6. For a period of probation of one year before permanent status is attained, during which period a probationary-status employee may be discharged, demoted, or suspended without cause.
7. For temporary or seasonal employment for periods not to exceed six (6) months in any one (1) year.
8. For keeping of records of performance of all employees in the Merit Service. Such records may be considered in counseling employees regarding improvement in work performance; in

determining salary increases and decreases provided in the Pay Plan; as a factor in promotions; as a factor in determining the order of layoffs because of lack of funds or work; in reinstatements; and as a factor in demotions, discharges, and transfers.

9. For the development and operation of an awards program to improve the effectiveness and morale of employees in the County Service. Such programs may include a provision for cash awards to employees who propose procedures or ideas which are adopted and placed into effect by the Board of County Commissioners and which result, or are reasonably expected to result, in eliminating or reducing the expenditure of public funds or the improvement of efficiency in administration of County government.
10. For establishing procedures governing layoff, re-employment, disciplinary action and grievances.
11. For hours of work, holidays, sick and vacation leave, and leave with or without pay.
12. For exemptions from the coverage and applicability of these Merit System Rules and Regulations.
13. For other rules, Administrative policies and procedures, regulations, and directives, consistent with these Rules, which shall aid in their effectiveness.

1.08 DISCRIMINATION PROHIBITED

- A. No official, employee or person shall use or promise to use, directly or indirectly, any official authority or influence to secure employment for any person in the Merit Service, or an increase in pay or related consideration, for the purpose of influencing the vote of any person or for any related consideration or action.

[Return to Table of Contents](#)

- B. No person shall be appointed, promoted, demoted, dismissed from the Merit Service, or in any manner favored or discriminated against due to race, color, religion, sex, national origin, age, disability, marital status, sexual preference or political affiliation.
- C. Any person in the Merit Service who violates any of the foregoing provisions of this section may be subject to disciplinary action.

1.09 COUNTY OFFICERS AND EMPLOYEES, DUTIES

All County officials and employees shall comply with and assist in carrying out the intent of the Merit System Rules and Regulations, including the reasonable furnishing of records and information upon the request of the Personnel Director, the Personnel Appeals Board, the County Administrator, or the Board of County Commissioners.

RULE 2

DEFINITIONS

ANNIVERSARY DATE - The last date of hire into a permanent-status position.

APPEAL - A request for a formal hearing before the Personnel Appeals Board.

APPOINTING AUTHORITY - The County Administrator and any Department Head or designee.

AT-WILL EMPLOYMENT - An employment relationship not covered by a collective bargaining agreement or the Merit Service, in which either party is free to terminate the relationship at any time for whatever reason.

CLASSIFICATION PLAN - The systematic arrangement of individual positions and duties into classes of work based upon common factors.

COMPENSATORY TIME - Time off with pay in lieu of overtime pay for hours worked in excess of the normal workweek.

COUNTY SERVICE - All personnel employed by the Board of County Commissioners in one of the job classifications set forth in the Palm Beach County Pay Plan, either as members of the Merit Service or as at-will employees.

DEMOTION - The downward change of an employee from one job classification to another job classification that has a lower maximum pay range.

DEPARTMENT HEAD - The Director of a department created by the Board of County Commissioners.

ELIGIBLE LIST - (See Register.)

EXAMINATION - Any selection instrument used to measure the relative knowledge, skills, and abilities of applicants competing for positions.

EXEMPT EMPLOYEES - Employees excluded from the overtime provisions of the Fair Labor Standards Act.

[Return to Table of Contents](#)

GRIEVANCE - A formal notice of dissatisfaction by an employee with permanent status in the Merit Service who feels they have been subjected to an unjust condition of employment.

JOB SPECIFICATION - A written description of the essential characteristics of a job classification and work requirements that distinguish it from other job classifications.

JOB TITLE - A brief descriptive name for a job classification.

LAYOFF - The termination from employment caused by the elimination of a position or positions.

MERIT PAY INCREASE - A pay increase based on a review of the work performance of a permanent-status employee.

MERIT SERVICE - All permanent-status personnel employed in the County Service, except those serving in at-will positions.

NON-EXEMPT EMPLOYEES - Employees covered by the Fair Labor Standards Act for minimum wage and overtime payments.

NORMAL WORK WEEK - The work week that is typically used for the calculation of pay and benefits, which is forty (40) hours.

OVERTIME PAY - Cash payment for hours worked in excess of 40 hours.

PAY GRADE - A salary range with a minimum and maximum pay rate.

PAY PLAN - A formal schedule of pay and overtime eligibility for all classes of work in the County Service.

PERFORMANCE REVIEW - A supervisor's formal evaluation of an employee's work performance.

PERMANENT-STATUS EMPLOYEE - A Merit Service employee who has satisfactorily completed a probationary period.

PERMANENT POSITION - A position that is funded for an indefinite period, depending on budgetary or other factors.

POSITION - A group of duties and responsibilities requiring the full-time or part-time employment of one person, and budgeted by the Board of County Commissioners.

PROBATIONARY-STATUS EMPLOYEE - A Merit Service employee currently serving a probationary period.

PROMOTION - The upward change of an employee from one job classification to another job classification for which the maximum of the pay range is higher.

RECLASSIFICATION - The change of a position from one classification to another classification.

REFERRAL LIST - A list of applicants referred to the appointing authority by the Personnel Director for selection to fill vacant positions in the Merit Service.

REGISTER - A list of applicants who have met minimum qualifications for positions after passing a written examination or having been rated based upon training and experience.

REHIRED EMPLOYEE - A former permanent-status County employee who, after one resignation in good standing, has reapplied for work and been accepted. (Note: No rehire is permitted after two (2) voluntary resignations.)

REINSTATED EMPLOYEE - Employees rehired within 30 calendar days of resignation to their original position without loss of seniority or benefits.

REQUISITION - The form used to initiate the hiring process.

SENIORITY - An employee's length of continuous service dating from the last date of hire with the County into a permanent position.

SUBSTITUTE APPOINTMENT - An appointment to fill a vacancy created by a leave of absence, which will terminate when the original employee returns to work.

SUSPENSION - The separation without pay of a County Service employee for a specified period of time.

TEMPORARY POSITION - A position funded for a limited time period that does not offer benefits or permanent status.

[Return to Table of Contents](#)

TRANSFER - The lateral change to another position in the same job classification or to a different classification with the same pay grade.

RULE 3

RECRUITMENT AND SELECTION

3.01 RECRUITMENT

- A. Recruitment of applicants for positions in the Merit Service that are not to be filled by promotion, demotion, lateral transfer, or recall from layoff, will be carried out through any appropriate media on a timely basis to assure all segments of the public have the opportunity to apply and be considered for such positions.
- B. Applicants will be recruited on the basis of the minimum training and experience requirements established for the class and position.
- C. All publicity shall indicate the County is an equal opportunity /affirmative action employer (minority, female, disabled, veteran - M,F,D,V).
- D. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified applicants for the various types of positions.

3.02 ANNOUNCEMENT OF VACANT POSITIONS

- A. All vacancies in the Merit Service not being filled by demotion, lateral transfer or recall from layoff shall be publicized by posting announcements in the Personnel Office, on the official department and division bulletin boards, and in other places and by other means as the Personnel Director deems advisable. The announcements, which may be for filling vacancies by initial appointment or by promotion, shall specify:
 - 1. Class title and salary of the position to be filled.
 - 2. The minimum qualification requirements for eligibility or for admission to written and/or oral tests, if required.

3. The manner of making application.
 4. The closing date for receipt of application.
- B. When deemed in the best interest of the County, the Personnel Director may recruit and examine applicants at any time to increase the quality or quantity of eligibles on an existing register. The Director may also recruit and examine on a continuous basis. (New eligibles to be merged with an existing register will be ranked according to their numerical score when appropriate.) When reopening recruitment or utilizing continuous recruitment, a vacancy announcement shall be circulated.

3.03 APPLICATIONS

A. FILING OF APPLICATIONS

1. All applications for positions in the Merit Service shall be made on a Board of County Commissioner application form, or resume, deemed acceptable by the Personnel Director.
2. All applications shall be signed or affirmed by the applicant attesting to the truth of all statements contained on the application form.
3. All applications must be filed within the time limit indicated in the job announcement.

B. REJECTION OF APPLICATIONS

The Personnel Director may reject any application, if it is determined that:

1. The application was not received on or before the closing date established for receiving applications.
2. The application was not filed on the prescribed form deemed acceptable by the Personnel Director.

3. The applicant does not possess one or more of the requirements as specified in the public announcement.
4. The applicant failed to properly complete the application form.
5. The applicant has made a false statement of a material fact or practiced fraud or attempted to deceive in their application or test, in attempting to secure appointment.
6. The applicant was convicted of a felony that is related to the employment sought. Applicants having other felony convictions will be considered on an individual case basis, with the position involved, the crime for which convicted, and rehabilitation as the basis for decision.
7. The applicant was previously employed by the County and was dismissed for cause, or resigned not in good standing, and is currently not eligible for rehire by the County.
8. The applicant was previously employed by the County and voluntarily resigned twice.

C. RECEIPT AND DURATION OF APPLICATIONS

1. Applications accepted will be retained in accordance with State of Florida Public Records Law.
2. Applications rejected for reasons specified in B-1 or B-4 may be returned to the applicant.

3.04 EXAMINATION PROVISIONS

- A. Positions to be filled by open competitive recruitment shall be filled through a competitive examination process open to the public, and based on merit and qualifications, whenever practical. All examinations shall be valid and reliable and

shall test fairly the ability of the applicant, with or without reasonable accommodation, to perform the essential duties of the position to be filled.

B. EXAMINATIONS

Open competitive and promotional examinations shall be prepared and conducted under the direction of the Personnel Director. Examinations may be assembled or unassembled and may include, but not be limited to, rating of training and experience, written, oral, physical or performance tests. The examination process may take into consideration factors such as education, experience, knowledge, skill, ability or any other job-related qualifications that may be applied equitably.

C. IDENTITY OF EXAMINEES CONCEALED

In all assembled examinations, the name of any examinee shall not be identified until after the examination papers have all been graded.

D. FRAUDULENT CONDUCT OR FALSE STATEMENTS BY APPLICANT

Fraudulent conduct or false statements by an applicant, or by others with their connivance, in any application or examination shall be deemed cause for the exclusion of such applicant from an examination, for removal of their name from all registers, or for discharge from the County service.

E. INTEGRITY OF THE EVALUATION PROCESS

1. Employees using corrupt practices in rating and processing examination papers will be subject to disciplinary action, including dismissal, according to the Merit System Rules.
2. No employee may participate, directly or indirectly, in the rating of an examination in which the employee or a relative, by blood

or marriage, or a roommate, or anyone in the employee's household, is a competitor.

3. It is the responsibility of every employee and representative of the Personnel Department to treat as confidential any information available to them concerning examination materials and ratings earned by competitors, in accordance with the Florida Public Record Law.

F. NOTIFICATION OF RESULTS FOR ASSEMBLED EXAMINATIONS

Candidates who complete the examination process for a given class shall be notified in writing about their passing or failing the exam process. If they have passed, their scores are used for placement on the register.

G. WAIVER OF EXAMINATION

The examination process may be waived by the Personnel Director and a register established showing candidates who meet the minimum qualifications of the class as follows:

1. When it is impractical to establish a selection device that will measure the relative abilities of candidates.
2. When the minimum qualifications require a professional or State registration such as but not limited to: Professional Engineers, Architects, Registered Nurses, Medical Technologists, Water Treatment Plant Operators, etc.

This Rule shall not be used to circumvent the normal competitive process as it relates to hiring the best qualified candidates. In the event additional recruitment and subsequent examination is necessary to supplement the register, applicants previously determined as qualified will have to compete in the same examination procedure as new applicants to remain on the register.

H. CONFIDENTIALITY OF EXAMINATION MATERIAL

All examinations and test materials shall be regarded as privileged and confidential and not available for public inspection.

I. RETENTION OF EXAMINATION RECORDS

All examination records shall be retained for at least the length of time required by Federal, State, or County regulations.

J. EXAMINATION RESOURCES

The Personnel Director shall have the authority to enter into agreements with other public jurisdictions and reputable concerns involved in personnel testing for the exchange, joint usage, development, administration, evaluation, and validation of any or all segments of the examination program.

K. POSTPONEMENT OR CANCELLATION OF EXAMINATIONS

Any examination may be postponed or canceled at the direction of the Personnel Director. In either case, each applicant shall be notified of the postponement or cancellation and the reasons for the action.

3.05 METHOD OF SCORING/RATING EXAMINATIONS

A. Appropriate scientific techniques and procedures based on merit principles shall be used in scoring/rating results of examinations and in determining the relative scores/ratings of the competitors.

B. For all examinations, the minimum performance or requirements for eligibility shall be established by the Personnel Director. A minimum qualifying grade shall be established for each exam segment and for the combined ratings of the several parts of the examination.

C. In examining for technical and professional positions an evaluation of training and experience may be conducted to determine the best qualified

applicants to compete in further steps of the examination process.

3.06 VETERANS' PREFERENCE

Preference on entrance examinations, (and in reinstatement, reemployment, or retention), but not on promotional examinations, shall be granted to all persons requesting such who have achieved a minimum qualifying score on an open-competitive examination and who have submitted documentary proof of discharge under honorable conditions from service on active duty as a member of the armed forces of the United States in time of war. The rank order of such persons among other eligibles shall be determined on the basis of their augmented rating. Veterans' preference shall be allowed in accordance with Chapter 295, Florida Statutes.

3.07 REGISTER PROVISIONS

Vacancies in the Merit Service shall be filled from registers by a competitive process unless the Personnel Director determines that the vacancies will be filled by lateral transfer, demotion, recall or through any authorized and established non-competitive process.

A. ESTABLISHMENT OF REGISTERS

1. The Personnel Director shall establish and maintain registers for the various classes of positions as may be necessary.
2. Each register shall contain the names of those eligibles who have completed the examination process and have been determined to possess the required knowledge, skills, and abilities necessary for consideration.
3. In the absence of an appropriate register, or when registers contain insufficient eligibles, the Personnel Director may select names from registers of closely related classes.

B. AVAILABILITY OF ELIGIBLES

It shall be the responsibility of eligibles to notify the Personnel Director of any change of address or other change affecting availability for employment. Whenever eligibles restrict the conditions under which they will be available for employment, their names may be withheld from all future referrals not meeting the conditions specified. As needed and feasible, the Personnel Director shall update registers to maintain availability of eligibles on a current basis.

C. DURATION OF REGISTERS

Each employment register shall remain in effect for six months. When deemed necessary and in the best interest of the County, the Personnel Director may extend the duration of the register for an additional period. A statement of the reasons for any extension and the duration shall be entered in the records of the Personnel Department.

D. REMOVAL OF NAME FROM REGISTERS

Names may be removed from registers for any of the reasons listed below:

1. At the written request of the eligible.
2. Refusal of an offer of appointment under conditions previously listed by the eligible as acceptable.
3. Appointment from a register to fill a permanent position.
4. Appointment from a register for another class at the same or higher compensation. In such case, at the request of the appointee, their name may be continued on any or all registers other than the one from which the appointment was made.
5. Filing of a written statement by the eligible that they are not willing to accept

appointment. Such statement of unwillingness may be restricted to a limited period of time, or to geographic locations, or positions involving other conditions of employment, as specified. The eligible shall then be treated as not available for the vacancies under the conditions specified. Any eligible may renew their eligibility during the life of the register by filing a new statement as to the time, place or other conditions under which appointment will be accepted.

6. Failure to report for an interview or to respond to any letter sent or to any inquiry of the Personnel Director or Department Head within the time specified unless satisfactory justification is furnished for such failure to respond.
7. Failure to report for work after accepting appointment.
8. Notice by postal authorities of their inability to locate eligible at last known address.
9. Death of eligible.
10. The discovery, upon review of eligibility, that the applicant would be subject to rejection under other provisions of these regulations.
11. Dismissal for cause from the County Service or resignation not in good standing with a recommendation of no-rehire.
12. Separation, other than by layoff, from the County service (on a Promotional List).
13. Discovery that the eligible has willfully provided erroneous information, withheld information, evaded questions, or otherwise misrepresented their qualifications to qualify for appointment and/or promotion.

14. Any cause or condition specified in these rules for rejection of an application.
15. Expiration of 6 months from the date of being placed on a register unless the register is extended.

E. RESTORATION OF NAMES TO REGISTERS

If an applicant's name is removed from a register, that applicant during the life of that register may make written request to the Personnel Director for the restoration of their name to such register. The request shall set forth the reasons for removal of the name and shall further specify the reasons given for restoration of the name. The Personnel Director, after full consideration of the request, may restore the name to the register or may refuse such request, and the applicant shall be notified of the action.

F. CONSOLIDATION OF REGISTERS

1. The Personnel Director may require an examination for a class for which a register already exists. In such an event a new register will be established as a result of the new examination.
2. The names of persons remaining on the old list shall be placed on the new list in accordance with their previous final score. Should such persons elect to take the new examination, their names will be placed on the register in accordance with the new final score.

3.08 TYPES OF REGISTERS

A. REEMPLOYMENT LISTS - PREFERRED AND GENERAL

1. A Merit Service employee who has been laid off as a result of a reduction-in-force or the abolition of their position shall be placed on a preferred reemployment list for the class occupied at the time of separation.

2. Names shall be placed on reemployment lists in order of performance ratings and length of service with the County with emphasis placed on performance ratings.
3. With the approval of the Department Head and Personnel Director, an employee leaving the County Service can be reinstated into their previous position at the same rate of pay if no more than 30 calendar days have elapsed since termination date.

B. PROMOTIONAL LISTS

1. When in the best interest of the County, the Personnel Director shall establish promotional lists from which vacancies in the Merit Service can be filled. Such lists shall consist of qualified eligibles from among all the permanent-status positions of the County.
2. All promotions will be made on a merit basis from the best qualified group of candidates on an appropriate list of eligibles. The ranking procedure may include but not be limited to evaluation of training and experience, written tests, performance tests, structured oral interviews and performance reviews.

C. OPEN COMPETITIVE LISTS

When it is impractical to establish promotional lists and reemployment lists are not available, the Personnel Director shall use open competitive lists consisting of persons who have successfully qualified through the competitive process for the classes of positions involved.

3.09 REQUISITION PROVISIONS

All requests for the filling of vacancies shall be made on the official requisition forms.

3.10 PROCEDURE FOR FILLING VACANCIES

- A. The Department Head or appointing authority shall submit a requisition to the Personnel Director to fill a vacancy and shall recommend the manner in which the position should be filled.
- B. Upon receipt of a valid requisition to fill a vacancy, the Personnel Director shall submit to the requesting Department Head or appointing authority the names, addresses, and telephone numbers of eligibles for the position.

When the referral list is developed with the benefit of an assembled examination as provided in Merit Rule 3, Section 3.04, the number of eligibles referred will be the top five (5) persons plus other eligibles with the same score as the fifth eligible who have indicated a willingness to accept appointment.

For each vacancy, selection will be made from the top five (5) available names, plus names of eligibles tied with the fifth eligible shown on the list.

When the referral list is developed without the benefit of an assembled examination as provided in Merit Rule 3, Section 3.04B, the number of eligibles referred to the appointing authority will be as follows: If the total number of applicants satisfying minimum qualification requirements is ten (10) or less, all will be referred for interview. The top ten candidates will be referred plus other eligibles with the same score as the tenth eligible, unless another natural break point occurs. If the total number of applicants satisfying minimum qualification requirements exceeds ten, secondary evaluation procedures may be used to rank the eligibles.

If more than one vacancy exists, the number of eligibles referred shall be at least equal to the number of vacancies plus four; however, fewer eligibles may be included when there is not a sufficient number of qualified applicants.

- C. All referral lists shall be returned to the Personnel Director by the Department Head and

shall contain the notation of the actions concerning each eligible on the list.

3.11 ISSUANCE OF REFERRAL LIST

A. WITHDRAWAL FROM REFERRAL LIST

Eligibles may remove themselves from a referral list upon request to the Personnel Director.

B. CANCELLATION OF REFERRAL LIST

If, at any time after a register has been established by the Personnel Director, the Department Head or appointing authority decides not to fill the position, the requisition and referral list shall be canceled. In such instances, the eligibles on the referral list shall be notified and record made by the Personnel Director of the actions taken and the reasons.

C. INTERPRETATION

Any necessary administrative interpretations concerning referral and appointment matters not inconsistent with these rules and regulations may be made by the Personnel Director.

3.12 REMOVAL OF ELIGIBLES FROM CONSIDERATION

The following are valid reasons for removal of eligibles for consideration:

A. The eligible declines, fails to reply, or whose inquiry about availability is returned undelivered.

B. The eligible was separated for cause, or resigned not in good standing, from County employment.

C. The eligible failed to demonstrate to the appointing authority minimum knowledge, skills, or abilities to perform job duties and subsequently was given a "no further consideration" coding.

- D. The discovery that the eligible would be subject to rejection under other provisions of these regulations.
- E. The eligible made false statements or practiced deception or fraud in examination or appointment.
- F. The eligible has any legal or other disqualification which makes them unacceptable for County Service.
- G. The eligible's reference check reveals previous job related performance or conduct problems.

3.13 PROCESSING APPLICANTS SELECTED

- A. The Department Head or appointing authority shall select the best qualified eligible from among those referred. Once a selection is made, the Personnel Department will make the job offer to the selected person.

Before official appointment, the applicant must:

1. Pass a physical examination.
 2. Present a Social Security card and other documentation to meet Immigration Naturalization Service (INS) requirements.
 3. Present proof of education, if requested.
 4. Present any other documents determined necessary to verify job requirements.
- B. Any exception to this procedure must be approved by the Department Head and the Personnel Director.

3.14 POST-OFFER PHYSICAL

All applicants tentatively selected for employment will be given a post-offer physical at the Occupational Health Clinic. The appointed physician may determine an applicant ineligible for the selected position if the applicant is physically or mentally unable to

perform the essential duties of the position with or without reasonable accommodation.

The post-offer physical is valid for thirty (30) calendar days prior to actual start date. If placement exceeds thirty (30) days, another post-offer physical is required.

If after separation an employee is reemployed, the employee must be given a post-offer physical at the Occupational Health Clinic if more than thirty (30) calendar days have elapsed.

3.15 TYPES OF EMPLOYMENT STATUS

A. PROBATIONARY STATUS

When a person is initially employed to fill a position in the Merit Service on a regular or part-time basis, they shall have a probationary status for a minimum of one year.

B. PERMANENT STATUS

Upon satisfactory completion of probation, an employee shall acquire permanent status within the Merit System.

C. PART-TIME STATUS

Part-time employees work on a continuing scheduled basis less than forty (40) hours per week.

1. Vacancies for continuing part-time positions shall be filled the same way as for full-time positions.
2. Employees who work more than eight (8) hours but less than 40 hours a week shall receive paid or compensatory holidays, sick, annual and any other leave on a pro-rated basis.

D. TEMPORARY STATUS

A temporary appointment may be made for a special project or other temporary work that will not continue longer than six (6) consecutive months in any twelve (12) month period.

1. Appointment shall be made of qualified applicants willing to accept temporary employment; however, acceptance of such appointment shall not affect the eligible's standing on registers for permanent positions.
2. The Personnel Director may authorize the Department or appointing authority to make a non-competitive appointment if a referral list is unavailable and impractical to establish.
3. Temporary employees are not in the Merit Service and shall not be granted the rights, privileges and benefits of such.

E. SUBSTITUTE STATUS

By selection from an appropriate referral list, a substitute can fill a vacancy created by an approved leave of absence. Substitutes are terminated when the person they replaced returns to the position. Transfer from substitute status to probationary status may be made if the person being replaced fails to return on the termination of their leave. A substitute appointment cannot exceed six (6) months.

F. ON-CALL STATUS

An on-call employee is one who is hired to work only when called, either for peak periods or to work in place of employees who are off sick or on vacation. Employment may be seasonal or continuous but shall be limited to a maximum of 1000 hours per calendar year.

G. EMERGENCY STATUS

1. Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligibles are not available, the Personnel Director may authorize the vacancy to be filled by an emergency appointment.
2. Candidates for emergency appointment must meet educational, experience, and related requirements as established for the position being filled.
3. An appropriate referral list for the position shall be established at the earliest possible date.
4. Emergency appointments shall not exceed six (6) months unless extenuating circumstances exist and approval is granted by the Personnel Director.

3.16 TEMPORARY PROMOTIONS

- A. An employee meeting the minimum qualifications may receive a temporary promotion to a higher-level position without competition when:
1. An employee has to perform the duties during the temporary absence of the incumbent in excess of thirty (30) workdays. A temporary promotion shall not exceed six (6) months unless extenuating circumstances exist and approval is granted by the Personnel Director. In no event shall the temporary promotion continue for more than sixty (60) calendar days after the establishment of an appropriate referral list.
 2. It is necessary to the operation to fill the position before permanent appointment can be made. Temporary promotions shall not be used for trial periods or to train persons for higher-level positions.

[Return to Table of Contents](#)

- B. An employee selected for a temporary promotion must be informed of the conditions and circumstances of the temporary promotion, including the assurance of return to their regular position upon completion of the temporary assignment.

RULE 4

PROBATIONARY PERIOD

4.01 GENERAL PROVISIONS

All appointments to positions in the Merit Service shall be subject to satisfactory completion of a probationary period. The probationary period shall be regarded as an integral part of the selection process and shall be used for closely observing the employee's work, for securing the most effective evaluation of a new or promoted employee, and for rejecting any employee whose performance or conduct is not satisfactory.

4.02 DURATION

A. NEW EMPLOYEE

The probationary period for new employees shall not be less than one year.

B. PROMOTION

The probationary period shall be used in connection with promotional appointments in the same manner as for original appointments. A probationary-promotional appointment does not affect an employee's earned permanent status rights in the County Merit System acquired in another position.

A promoted employee with permanent status shall be on probation for three (3) months following the promotion date. Unsatisfactory completion of this probation shall result in demotion to the original or equivalent position.

C. DEMOTION

A demoted employee with permanent status shall be on probation for three months, if they have not previously served a probationary period in the job class to which they were demoted. Unsatisfactory

completion of this probation shall result in a recommendation for termination. If the demotion was in lieu of layoff, unsatisfactory completion shall result in layoff.

4.03 REEMPLOYMENT

Upon reemployment in a position in the Merit Service, an employee shall serve a new probationary period. However, if reemployment is due to a prior reduction-in-force, a permanent-status employee who is recalled to the same job class from which the layoff occurred shall not be required to serve a new probationary period.

4.04 DISMISSAL DURING PROBATIONARY PERIOD

At any time, a Department Head, with approval of the Personnel Director, may dismiss an employee if their performance or conduct during the probationary period is unsatisfactory. Upon such discharge, an Employee Performance Review shall be completed. A probationary employee who is found to have been appointed through fraud shall be discharged upon notification. There shall be no right of appeal from adverse action taken against an employee during the probationary period.

4.05 PROBATIONARY PERIOD PERFORMANCE REVIEWS

The Department Head shall submit to the Personnel Director an Employee Performance Review for a new employee following six (6) months and one year of employment. Reviews for promoted or demoted employees shall be done three (3) months from the date of promotion or demotion. If the initial six (6) month rating is "Needs Improvement," the employee may be discharged or permitted to improve performance at the Department Head's discretion. At the conclusion of one year of probationary employment a second Performance Review will be submitted. If the second Performance Review results in an overall rating of "Unacceptable," the employee will be discharged. An overall satisfactory rating is required for an employee to attain permanent status. In both six (6) month and one

[Return to Table of Contents](#)

year Performance Reviews, the decision of the Department Head shall be final.

RULE 5

DEMOTION AND TRANSFER

5.01 TYPES OF DEMOTION

An employee with permanent status may be demoted for the following reasons:

A. INVOLUNTARY

1. The inability to satisfactorily perform the duties and responsibilities required by the job classification. Such demotion may be made by the Department Head with the approval of the Personnel Director.
2. The downgrading of the job class to a lower pay grade.

B. VOLUNTARY

Employees with permanent status may request a demotion to a job classification for which they are qualified with the approval of the Department Head and the Personnel Director.

5.02 DEMOTION IN LIEU OF LAYOFF

An employee with permanent status may elect voluntary demotion in lieu of layoff in accordance with Merit Rule 8.

5.03 EFFECT OF DEMOTION ON PAY GRADE AND PAY RATES

When an employee is demoted, the employee's rate of pay will be adjusted in accordance with Merit Rule 6.04.

5.04 LATERAL TRANSFER

An employee with permanent status may, with the approval of the Department Head concerned and the Personnel Director, be transferred to another position in the same job classification or to another job classification with the same pay grade. Such transfer

[Return to Table of Contents](#)

shall not change the employee's pay grade, pay rate, anniversary date or permanent status. If the transfer is to another classification, the employee must meet minimum qualifications and the duties and responsibilities must be substantially similar.

RULE 6

CLASSIFICATION AND PAY ADMINISTRATION

6.01 THE CLASSIFICATION AND PAY SYSTEM

There are two major resources used in the Classification and Pay System: the Classification Manual and the Pay Plan.

6.02 THE CLASSIFICATION MANUAL

A. CONTENT OF THE CLASSIFICATION MANUAL

The Classification Manual contains written specifications for each job class that describes the nature of work and relative responsibilities of the class, typical illustrative tasks found in the class, requirements of the class, the necessary knowledge, skills, and abilities required for adequate performance of the work, and the experience and training required for recruitment.

1. The class titles standardize the meaning, allocation, and usage of positions throughout the County Service and shall be used on all personnel, accounting, budget, and related official records.
2. No person shall be appointed to a position in the Merit Service under a title not contained in the Classification and Pay System.

B. RESPONSIBILITY FOR MAINTENANCE OF THE CLASSIFICATION MANUAL

The Classification Manual shall be maintained by the Personnel Director who shall provide for the continued, proper allocation of positions to job classes. The Personnel Director may delegate authority to staff members of the Personnel Department to assist in the continuous review and maintenance of the classification specifications.

The Personnel Director shall:

1. Determine the proper job class and pay grade for each new or reclassified position.
2. Periodically review the classification and pay grade of all positions and recommend appropriate changes to the Classification Manual and/or Pay Plan.
3. Recommend the deletion of job classes no longer useful to the County organization and recommend new positions and job classes where appropriate.

C. USE OF THE CLASSIFICATION SPECIFICATIONS

The Classification Specifications shall be used to:

1. Determine applicant qualifications.
2. Determine salary ranges to be assigned for the various classes of work.
3. Delineate lines of career progression.
4. Provide an understandable and uniform terminology of jobs.
5. Assign new positions to classifications.

6.03 THE PAY PLAN

A. GENERAL PROVISIONS

The Pay Plan shall be directly related to the Classification Manual and shall provide the basis of compensation for employees in the County Service. The Pay Plan shall be constructed according to the following:

1. Relative difficulty and responsibility of the various classes of work and minimum entrance requirements.

2. Prevailing rates of pay for similar types of work in private and public employment.
3. Economic conditions of the area.
4. Financial policies of the Board of County Commissioners.

B. CONTENT OF THE PAY PLAN

The Pay Plan shall include:

1. A table of basic pay rates including regular and longevity pay rates.
2. A schedule of salary grades for each title in the Classification Manual consisting of minimum and maximum rates.
3. A listing of all types of additional compensation and eligible employee groups.

C. RESPONSIBILITY FOR MAINTENANCE OF THE PAY PLAN

The Pay Plan shall be maintained by the Personnel Director who shall:

1. Periodically review the pay grades of all job classes.
2. Recommend changes to the pay grades based on changes of job responsibilities, cost of living, availability of labor supply, prevailing rates of pay, the County's financial condition and policies, or other pertinent economic considerations.
3. Recommend pay grades for all new class titles added to the Pay Plan.
4. Recommend types and amounts of special pay incentives or allowances.

The Personnel Director may delegate authority to staff members of the Personnel Department to assist in the continuous review and maintenance of the Pay Plan.

6.04 ADMINISTRATION OF THE PAY PLAN

A. EMPLOYMENT TO BE IN ACCORD WITH THE PAY PLAN

1. All persons employed in the Merit Service shall be paid in accordance with the rates of pay set forth in the Pay Plan for the job class to which the appointment is made.
2. Initial employment in the Merit Service shall normally be made at the minimum of the pay grade established for the job class.
3. Department Heads may request initial employment above the minimum rate established for the class to which the appointment is made when there is a lack of qualified applicants for the position or other extenuating circumstances. Such appointments must be approved by the Personnel Director, the County Administrator, or Deputy County Administrator, depending on how much the request exceeds the minimum.

B. TYPES OF SALARY INCREASES/DECREASES

Each year prior to implementation of the new budget, the County Administrator will recommend to the Board of County Commissioners the amount and timing of any merit increases (if given).

1. Merit Increases - Increases within an established grade shall not be automatic but shall be based upon standards of performance as indicated by the Employee Performance Review.

Employees will be eligible for an annual merit increase upon obtaining permanent status if the employee's performance for the past rating period is satisfactory or better.

Under no circumstances shall a merit increase cause an employee's base rate of pay to exceed the maximum rate established for the job class.

Employees transferring from the Clerk of the Courts, Property Appraiser, Sheriff's Office, Supervisor of Elections, or the Tax Collector will keep their original date of hire as their anniversary date and will be eligible for merit increases, providing they have completed one year of probation.

2. Pay Upon Promotion - An employee's rate of pay will be adjusted as follows:
 - a. If the promotion is to a position one pay grade higher than the present position, the employee will receive a 3% increase.
 - b. If the promotion is to a position two pay grades higher, the employee will receive a 6% increase.
 - c. If the promotion is to a position three or more pay grades above the present grade, the employee will receive either a 10% increase or the minimum of the new pay grade, whichever is higher.
 - d. In no case will the employee's base rate of pay exceed the maximum for the position to which the promotion is made.
3. Pay Upon Demotion - An employee's rate of pay will be adjusted as follows:
 - a. If the demotion is to a position one pay grade lower, the employee's rate of pay will be reduced by 3% or to the maximum of the new range, whichever is lower.
 - b. If the demotion is to a position two pay grades lower, the employee's rate of pay will be reduced by 6% or to the maximum of the new range, whichever is lower.
 - c. If the demotion is to a position three or more pay grades lower than the present position, the employee's base rate of pay will be reduced by 10% or to

the maximum of the new range, whichever is lower.

- d. In no case will the employee's base rate of pay exceed the maximum for the position to which the demotion is made.
- e. A promoted employee who is demoted before completion of a probationary period shall have their pay reduced by the same amount received as the promotional increase.

4. Pay Upon a Lateral Transfer

If an employee is transferred to a position within the same job classification, or to a job classification with the same pay grade, the employee's base pay will remain the same.

5. Pay Upon Recall from Layoff

An employee recalled to work from layoff after an employment separation of more than thirty (30) calendar days will be paid at the minimum of the pay grade for the classification.

6. Special Salary Increases

Salary increases in addition to those already specified in the Merit Rules shall not be frequent and shall require the approval of the County Administrator or Deputy County Administrator. This type of adjustment shall be fully documented and justified and shall not be used solely to reward longevity or outstanding performance within a job classification. (See Countywide PPM CW-P-035.)

C. LONGEVITY PAY POLICY

Permanent-status employees of the Board of County Commissioners hired before 5/6/92 will be eligible for a 5% increase in base pay when they have

completed ten (10) years of continuous, unbroken service and an additional 5% increase upon completing twenty (20) years of continuous, unbroken service.

Previous employment with the Clerk of the Courts, Property Appraiser, Sheriff's Office, Supervisor of Elections, and Tax Collector will be honored provided there was no break in service at the time of transfer to Board employment.

The effective date of the longevity increase will be at the beginning of the pay period in which the employee's anniversary falls.

6.05 CLASSIFICATION REVIEW

A. GENERAL PROVISIONS

The Classification and Pay Section of the Personnel Department conducts classification reviews periodically or at the request of the department.

When a new position is anticipated, or when there is a significant change in the duties and responsibilities of a position, the appointing authority will submit a position classification questionnaire reflecting current or anticipated duties, so that the position can be properly classified.

Positions shall be reclassified only when there is a significant change in the duties and responsibilities or an inequity in the original classification.

Positions shall be regraded only when recruiting difficulties exist; an organizational change affects the level of responsibility of a position; an inequity was created by the reclassification of other positions; an inequity was created by the regrading of other positions; or competitive pay surveys indicate a change in grade level is necessary.

B. AUTHORITY TO APPROVE RECLASSIFICATION/UPGRADE RECOMMENDATIONS

Recommendations for reclassification shall be made by the Personnel Director to the County Administrator, Deputy County Administrator, or Assistant County Administrator for approval.

Recommendations for major changes to the overall Classification and Pay System shall be submitted by the Personnel Director to County Administration for concurrence and may be submitted to the Board of County Commissioners for adoption.

C. APPEAL OF A RECLASSIFICATION/UPGRADE RECOMMENDATION

If the Department Head does not concur with the decision on a classification, the recommendation may be appealed to the County Administrator whose decision shall be final. The allocation and classification of positions shall not be addressed through the grievance procedure.

D. PAY UPON RECLASSIFICATION OR UPGRADING

When positions are reclassified, the Merit System Rules governing pay upon promotion, demotion, or lateral transfer shall be applied in accordance with Merit Rule 6.04.

When a job class is upgraded or downgraded to a new pay grade, rates of pay for the incumbents shall be adjusted in accordance with Merit Rule 6.04.

E. If the effective date of a pay change is the same date the Department Head has recommended an employee's annual merit increase, the merit pay increase shall be awarded and the employee's pay adjusted into the new pay grade in accordance with Merit Rule 6.04.

6.06 METHOD OF PAYMENT TO MERIT SERVICE EMPLOYEES

A. GENERAL PROVISIONS

All full-time Merit Service employees, exempt and non exempt, regularly working established normal work weeks of forty (40) hours, shall be paid at the bi-weekly or hourly rates set forth in the Palm Beach County Pay and Classification Plan.

B. BASE RATE OF PAY - Base rate of pay is the hourly rate paid to an employee for a particular job classification.

1. The base rate shall not include additional amounts paid for special compensation such as shift differential, stand-by pay, or other incentives and allowances.
2. Pay adjustments for merit increases, across-the-board increases, promotions, demotions, and position upgrading shall be applied to the employee's base rate of pay only.

C. OVERTIME WORK

It shall be the general policy of the County not to require frequent or considerable overtime. However, Department Heads may authorize or direct an employee to work over forty (40) hours when necessary to meet emergency deadlines or operating needs.

1. All overtime work must be scheduled and authorized in advance by the Department Head.
2. Department Heads shall maintain records of all overtime worked by Merit Service employees in their departments. No additional hourly pay or compensatory time off shall be granted except on the basis of such records.
3. For overtime compensation purposes, holidays, previously scheduled vacation leave and compassionate leave shall be considered as time actually worked. Benefits paid under Workers' Compensation or any leave without pay granted to the employee shall not be considered as time worked when computing

overtime.

4. When computing overtime, absent time paid such as sick and unscheduled annual leave, jury duty, military leave, attendance at approved seminars to learn skills for a different/
higher classification shall be excluded as time worked. Attendance at seminars to learn or improve skills used in their current classification must be counted as time worked for overtime purposes.

D. OVERTIME PAY/COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

Overtime pay or compensatory time off at time and one-half the employee's regular hourly rate shall be allowed for all authorized and necessary work which exceeds forty (40) hours between 12:01 AM Saturday and 12:00 midnight Friday. At the discretion of the Department Head, an employee may be granted time off in lieu of cash payment at the rate of one and one-half (1-1/2) hours for each hour of overtime worked in excess of forty (40) hours in a work week. Bargaining unit employees must be paid overtime. The accrual of compensatory time shall be kept at a minimum and early use of compensatory time is encouraged to keep accumulated balances as low as possible.

1. Holiday Pay - Non-Exempt employees who are required to work on a scheduled holiday shall be compensated at their straight hourly rate of pay for the holiday and may receive time and one-half for working on the holiday if their total hours worked during the week of the holiday exceeds forty (40) hours. A Holiday is considered eight hours for a forty (40) hour work week.
2. Upon Termination - Terminated non-exempt employees shall receive payment for all accrued overtime/compensatory time worked.

E. COMPENSATORY TIME FOR MERIT SYSTEM EXEMPT EMPLOYEES

1. Compensatory time provisions apply to Exempt Merit System Employees.
2. No cash payment shall be paid for overtime hours spent by Merit System exempt employees in activities such as attendance at training courses, conferences, seminars, etc., or for travel to and from those activities and work assignments. The Department Head may grant compensatory time for those activities.
3. Compensatory time is granted at the rate of one (1) hour for each hour of overtime worked in excess of forty (40) hours.
4. Employees covered under these provisions must receive prior approval to accumulate compensatory time and must record the hours as being directly related to the performance of regular County duties within the scope of the employee's position. Those records must be approved by the Department Head and kept in departmental files.
5. Compensatory time balances must be taken prior to termination or resignation.

F. SHIFT DIFFERENTIAL PAY

Shift differential will be paid to employees who are assigned either of the night shifts in those departments and divisions which operate two (2) or three (3) shifts per day. Shift differential is 5% of the minimum of the employee's pay grade.

Licensed Practical Nurses and Registered Nurses at the County home and General Care Facility will be paid twenty percent (20%) of the minimum of the grade for the evening shift and twenty-five percent (25%) of the minimum of the grade for the night shift.

If the employee is transferred from the night shift to the day shift, the amount of the

differential will be discontinued. For overtime purposes, shift differential shall be considered when computing overtime pay benefits.

G. STANDBY ASSIGNMENT PAY

When it shall be in the best interest of the County, a Department Head may require Merit Service employees to work evening and weekend standby assignments. For purposes of overtime work, standby pay shall be considered when computing overtime pay benefits.

H. LEADWORKER PAY

A six percent (6%) in-grade increase will be paid to employees with the responsibility for assigning and reviewing the work of other employees who are classified in the same grade at a work location removed from regular supervision. Such limited supervisory responsibility shall not include hiring, performance reviews, and disciplinary actions.

The six percent (6%) differential shall be based on the minimum of the grade for the job class to which the leadworker is assigned. If leadworker duties cease, the amount of leadworker pay will be discontinued.

I. PAY UPON TERMINATION

Upon termination, employees shall receive all pay due them, subject to the following qualifications:

1. Payment for overtime shall be subject to the provisions of Merit Rule 6.06, D, pertaining to overtime and compensatory time.
2. Payment of vacation leave and sick leave shall be subject to the provisions of Merit Rule 9 governing final payment of sick and vacation leave, and shall be made at the base rate of pay excluding assignment pay.
3. No holiday pay may be granted to the terminating employee for any holiday

occurring after the close of business on the last day the employee reports for duty.

4. Any employee who is liable for repayment of tuition or other monies at the time of separation shall have their final pay applied against whatever amount may be needed to satisfy the balance. Partial settlement of an account by application of final pay shall not release an employee from responsibility for the balance remaining due.
5. In the event of the death of an employee, their estate shall be paid any amounts due for hours worked, accrued compensatory time, vacation leave and sick leave.

RULE 7

RULES OF CONDUCT; DISCIPLINARY GUIDELINES; ADVERSE ACTIONS; EMPLOYEE RECOURSE

7.01 GENERAL PROVISIONS

The Board of County Commissioners requires that employees be familiar with all rules and regulations pertaining to their jobs and that they abide by these rules and regulations in carrying out their assigned duties. Supervisors will ensure that their employees are adequately trained in their jobs and informed of all rules and regulations pertaining to their jobs.

7.02 RULES OF CONDUCT

Violations of the rules of conduct, depending on the severity of the offense, will result in progressive disciplinary action, which may be by written reprimand, suspension, dismissal or a combination of disciplinary actions, as outlined in Section 7.03 of the County Disciplinary Guidelines. Written reprimands and suspensions must be submitted on Form MS# 113. It should be noted that actions of termination and demotion may be taken in other circumstances where the employee does not meet the conditions of employment for the position, such as failure to maintain licenses or other qualifications necessary to perform the job, inability to perform the work required, and unsatisfactory performance.

The following are examples of offenses or conduct that could subject employees to discipline or discharge.

- A. Employees shall observe time limitations of rest and meal periods. They shall not be tardy or absent or depart from work early without the permission of their supervisors. Vacation, sick and other types of leave benefits shall not be abused. Employees must notify their supervisors in advance of any anticipated absence.
- B. Failure to report to work or absence without authorized leave for three consecutive days shall

be considered cause for immediate discharge.

- C. An employee shall maintain dress and grooming appropriate to the type of work performed.
- D. Loafing, sleeping on the job, work slowdown or any other unproductive use of time will be prohibited.
- E. Horseplay, fighting, violence or any other action interfering with the work of other employees or service to the public will be prohibited.
- F. Gambling of any kind on County premises or at any other place while on duty will be prohibited.
- G. No employee may solicit funds or services, sell goods or tickets, distribute literature or petitions for any purpose on County premises or at any other place while on duty without prior authorization.
- H. No employee may use threats or profane or abusive language in dealing with the public, co-workers, supervisors or other persons contacted in business relationships, or otherwise provoke or abuse others in any way.
- I. Soliciting or accepting fees or gifts or otherwise taking advantage of clients or business contacts for personal gain is prohibited.
- J. No employee shall reveal privileged or confidential information to unauthorized persons.
- K. Employees are expected to conduct themselves in an appropriate and professional manner while on duty. Conduct unbecoming a public employee will not be tolerated. Such conduct includes actions which reflect unfavorably on the efficiency of the County, cause embarrassment or are damaging to the reputation of the County or in general reflect unfavorably on the County, its employees, or its citizens.
- L. Working or reporting for work under the influence of alcohol or non-prescription controlled substances is prohibited.

Use, possession, solicitation, sale or disbursement of alcohol or non-prescription controlled substances during the work day is cause for dismissal.

- M. No employee shall knowingly omit information or submit inaccurate or untruthful information for, or on, any administrative or departmental record, report or document. Falsification of employment, payroll or leave records constitutes cause for dismissal.
- N. Corporal punishment is not permitted. No employee shall apply physical force except to the extent that it reasonably appears to be essential for self-defense, to prevent escape, to prevent injury to a person or damage to property, to quell a riot or disturbance, or when an individual exhibits violent physical resistance to a lawful and reasonable command. Under no condition shall an individual be harassed, terrorized, threatened with physical violence or punishment, or otherwise forced by an employee to suffer embarrassing or degrading experiences.
- O. Every employee has the responsibility to protect and safeguard County property and the person and property of clients and other employees. Employees shall not be in unauthorized possession of any property of the County, its employees or the public, regardless of value, or remove or attempt to remove such property from the premises.
- P. Unauthorized possession, use or threatened use of weapons or firearms while on duty is prohibited.
- Q. Employees shall use County records, tools, materials, equipment, facilities, property or funds only for purposes authorized by the County.
- R. Every employee shall exercise reasonable care and maintenance of and shall not destroy or abuse records, tools, equipment, materials, facilities, property or funds.
- S. Employees are expected to comply with all Federal, State, Local, and Palm Beach County rules,

regulations, and procedures.

- T. Any injury, illness or accident must be reported immediately in accordance with the procedures specified by Risk Management/Loss Control. Failure to report any injury, illness or accident could result in forfeiture of Workers' Compensation benefits. All accidents involving County vehicles/equipment must be reported immediately to the Emergency Operating Center. County vehicle is defined as any County owned or leased motorized vehicle including vehicles owned or leased by employees when used in the course and scope of conducting County business or in conjunction with the County mileage agreement. Disregard for or violations of safety rules such as speeding, driving without a seat belt, unsafe operation of a vehicle, or operating a County vehicle without approved County Driver Authorization is prohibited.
- U. Employees are expected to perform work assignments within the scope of their jobs. Refusal to perform assigned work or to follow reasonable directives and defiance, contempt, or antagonism to supervision shall be considered insubordination.
- V. Concerted activities such as slow-down of work, abstinence in whole or in part by any employee or group of employees from performance of their duties, mass call-in alleging sickness or work stoppage shall be prohibited.
- W. Supervisors are expected to set an example for subordinates by complying with all rules, regulations and policies.

Any employee who feels unjust disciplinary action has been taken has the right to submit a grievance or appeal as established by the Palm Beach County Merit System Rules or applicable collective bargaining agreement.

Each employee shall be provided a copy of Merit Rule 7 and is responsible for knowing and understanding these rules of conduct.

7.03 DISCIPLINARY GUIDELINES

The following list of offenses or conduct will be used by the County Departments as a guide, depending on the severity of the offense, in administering progressive discipline. Any other type of offense not specifically listed may also receive disciplinary action within the meaning and intent of the Rules of Conduct.

A. Recognizing that these are guidelines, with a range of disciplinary actions available for various offenses, the decision by the supervisor to impose discipline beyond the minimum stated in the guidelines, or exceeding the guidelines, shall be justified by the supervisor in writing.

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
1. Failure to perform assigned duties	Written Reprimand	1-5 days Suspension	6-10 days Suspension or Dismissal
2. Failure to follow instructions	Same	Same	Same
3. Horseplay	Same	Same	Same
4. Loafing or unproductive use of time	Same	Same	Same
5. Excessive tardiness	Same	Same	Same
6. Excessive absenteeism	Same	Same	Same
7. Unauthorized distribution of written or printed materials on County premises or while on duty	Same	Same	Same

[Return to Table of Contents](#)

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
8. Unauthorized solicitation or sales on County premises or while on duty	Written Reprimand	1-5 days Suspension	6-10 days Suspension or Dismissal
9. Use of profane, obscene, or derogatory language	Same	Same	Same
10. Absence without authorized leave	1-5 days	6-10 days Suspension or Dismissal	Dismissal Suspension
11. Leaving work station without authorization	Same	Same	Same
12. Sleeping while on duty	Same	Same	Same
13. Revealing privileged or confidential information to unauthorized persons	Same	Same	Same
14. Dishonesty	Same	Same	Same
15. Gambling	6-10 days Suspension or Dismissal	Dismissal	
16. Negligence	Same	Same	
17. Misappropriation of funds	Same	Same	
18. Insubordination	Same	Same	
19. Fighting or violence	Same	Same	

[Return to Table of Contents](#)

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
20. Unauthorized possession of a weapon	6-10 days Suspension or Dismissal	Dismissal	
21. Use of threats, intimidation, harassment or verbal abuse	Same	Same	
22. Use of corporal punishment, mistreatment or physical abuse	Same	Same	
23. Failure to report any mistreatment of a client, patient or other individual	Same	Same	
24. Falsification of records	Same	Same	
25. Destruction, abuse or unauthorized use of County property or equipment	Same	Same	
26. Stealing County property or property of any other individual	Same	Same	
27. Engaging in concerted activity to commit an offense	Same	Same	
28. Committing any offense while supervising other employees	Same	Same	
29. Impaired or under the influence of alcohol or non-prescription controlled substances	Same	Same	

[Return to Table of Contents](#)

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
30. Use, possession, solicitation, sale or disbursement of alcohol or non-prescription controlled substances	6-10 days Suspension or Dismissal	Dismissal	
31. Conduct unbecoming a public employee	Same	Same	
32. Use or threatened use of a weapon	Dismissal		
33. Unethical conduct as specified in Chapter 112, Florida Statutes, "Code of Ethics for Public Officers and Employees."	Dismissal		
34. Violation of rules, regulations or policies	Written reprimand or up to 10 days Suspension or Dismissal	Up to 10 days Suspension or Dismissal	6-10 days Suspension or Dismissal
35. Placed under arrest and/or charged with any crime related to employment or which implies a likelihood of potential harm to citizens or property	Suspension without pay until charges resolved		
36. Found guilty regardless of adjudication or entered a plea of nolo contendere or guilty of any crime related to employment or which implies a likelihood of potential harm to citizens or property	Dismissal		

B. The following range of disciplinary actions will be applied if any employee has already received a disciplinary action for a same or different offense within the previous 12 months. If the second offense would require a heavier disciplinary action that action will apply.

- | | |
|---|-----------------------------------|
| 1. If an employee has received a written reprimand | 1-5 Days Suspension |
| 2. If an employee has received a suspension of 5 days or less | 6-10 Days Suspension or Dismissal |
| 3. If an employee has been suspended from 6-10 days | Dismissal |

At the end of 12 months from the date of a reprimand or suspension, the action will no longer be used as the basis for cumulative disciplinary action, provided there has been no other discipline within the 12 months.

7.04 ADVERSE ACTION: SUSPENSION, DEMOTION, DISCHARGE

Permanent-status employees may be suspended without pay, demoted or discharged by the appointing authority or designee for just cause. Permanent-status employees within the Merit Service may appeal discharges to the Personnel Appeals Board as provided in Section 7.06. Involuntary demotions (except those resulting from reclassification of positions) and suspensions are grievable through steps, as explained in Section 7.06. Employees who are under a Bargaining Unit Contract follow their applicable appeal and grievance procedures.

7.05 DISCHARGE PROCEDURES

A. NORMAL TERMINATIONS

1. Notice: Except in extraordinary situations as described in Section 7.05,B, prior to the termination of any permanent-status employee, written notice of the department's intent to discharge shall be given to the

employee not less than three (3) working days and not more than ten (10) calendar days before the date of the Pre-termination Conference.

The written notice shall either be delivered to the employee by hand or by certified mail, return receipt requested. A mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee. The notice should contain the following:

- a. The specific charges, reasons for the proposed termination, and identification of any documents on which the charges are based.
 - b. A statement that a conference will be held for the employee to submit written and/or oral statements to refute the charges. The statement shall give the location, date and time of the conference and the name and telephone number of the person in the department to contact to verify attendance.
 - c. A statement that if the employee chooses to make no response or fails to attend the Pre-termination Conference, the department will proceed on the available documentation obtainable without such response.
2. Conference: The Pre-termination Conference shall be conducted by the Department Head or designee, with the Personnel Director and the Director, Office of Equal Opportunity or their representatives present. Copies of all correspondence between the Department Head and the employee must be delivered to those participants in advance of the conference.

The conference shall be informal. The employee may bring an attorney or representative to assist and advise them and

shall be permitted to submit relevant information orally and/or in writing.

The Department Head or designee will explain that the purpose of the conference is to hear the employee's side of the charges to protect the employee from erroneous or arbitrary adverse action.

After considering all the evidence, the Department Head or designee shall decide whether to affirm the recommendation to discharge the employee or take other action as deemed appropriate. The employee will be informed at the conference of the action to be taken. If the employee is to be discharged, the employee will also be informed of their right to appeal or grieve the discharge within five (5) working days of the effective date of the discharge or through the applicable bargaining contract procedure. The discharge will be effective immediately. If alternate disciplinary action is substituted for discharge, it shall be processed immediately and the employee will be informed of their grievance rights.

3. Period between Notice and Action: During the period between the first notice and the conference, employees will be expected to perform their usual duties without disrupting other employees, other persons, or the department/division's activities. However, if it is desirable or necessary that the employee not continue to perform those duties during this period, the Department Head may temporarily assign the employee to other duties or another work location, allow the employee to use vacation leave, or place the employee on administrative leave with pay.

B. SUSPENSION/TERMINATION IN EXTRAORDINARY SITUATIONS

In extraordinary situations, the Department Head

or designee will immediately suspend the employee. The Department Head shall have the flexibility to suspend an employee with or without pay. The Department Head will then contact the Personnel Director, or representative, to determine the action to be taken. The Department Head will notify the employee to be present at a specific time and location to receive notification of the action to be taken and to have an opportunity to respond. Examples of such situations are:

1. when the retention of a permanent-status employee on the job site would result in possible damage to County property,
2. would be detrimental to the best interest of the County,
3. would result in possible injury to the employee, other employees or some other person, or
4. when suspension is required due to arrest or being charged with a crime related to employment.

7.06 EMPLOYEE RECOURSE

A. GRIEVANCES

1. Definition and Scope

Permanent-status employees within the Merit Service may file grievances on disciplinary actions, involuntary demotions, promotional issues and disputes involving the applications of the Merit Rules and other policies and procedures, with the following exceptions. (Note: This policy does not apply to Headstart employees, who have a separate grievance procedure.)

- a. Contents of policies, procedures, rules and regulations.

- b. The methods and means by which work activities are carried on.
- c. Performance reviews and related counseling.
- d. Pay policies and the assignment of pay grades and salary ranges.
- e. Discharges and layoffs, which are appealable to the Personnel Appeals Board.
- f. Job classification disputes, which are appealable by the Department Head to the County Administrator, whose decision shall be final.
- g. Discrimination complaints, which are filed with the County's Office of Equal Opportunity.

2. Procedure

- a. Prior to initiating a grievance under this process the employee shall discuss the problem with their immediate supervisor who shall try to resolve the issue with the employee.
- b. If the issue is not resolved by the employee's immediate supervisor, the employee submits the grievance to the Personnel Director within 5 working days of the event giving rise to the grievance. The Personnel Director or designee determines whether the issue is grievable under this procedure. To the extent possible, the Employee Relations staff attempts to resolve the issue at this step.

A grievance must be filed and appealed by the employee within the time limits set in 2(b) and (c) or the grievance will be considered withdrawn. Any grievance not timely answered by the

County should be considered denied and moved by the employee to the next step. Waiver of time limits may be accompanied by mutual agreement in writing.

- c. For a grievance to be processed, it must be submitted on the official grievance form, MS# 213.
 - (1) **STEP I:** The grievance is presented in writing on the official grievance form to the immediate supervisor within five (5) working days of the date the employee was notified by the Employee Relations and Personnel Department that the issue is grievable. The supervisor shall meet with the employee and reply in writing on the grievance form within five (5) working days.
 - (2) **STEP II:** If the grievant is not satisfied by the STEP I response, the grievance is presented to the Division Head within five (5) working days. The Division Head shall meet with the employee, investigate the grievance, and reply in writing on the grievance form within five (5) working days.
 - (3) **STEP III:** If the grievant is not satisfied by the STEP II response, the grievance is presented to the Department Head within five (5) working days. The Department Head shall meet with the employee and reply in writing on the grievance form within five (5) working days.
 - (4) **GRIEVANCE COMMITTEE:** If the grievant is not satisfied by the STEP III response, the grievance is presented to the Personnel

Director within five (5) working days. The Personnel Director will convene a Grievance Committee to meet with the grievant, investigate the grievance, and submit a written report with recommendations to the Personnel Director.

3. Grievance Committee

a. Purpose

The Grievance Committee is designed to serve as a hearing body for those grievances not resolved at the final departmental level (Step III).

b. Function

The function of the Grievance Committee is to hear and investigate grievances. The Employee Relations staff serves in an advisory capacity to the Grievance Committee. As often as possible, meetings and interviews are conducted during regular working hours. Any employee requested to appear before the committee will be allowed time off with pay to do so. The Committee shall investigate the facts of the case on an informal unstructured basis and will arrive at a conclusion based on a majority vote of the members.

c. Structure

The Grievance Committee shall be composed of three (3) members, all of whom must be current County employees: One member to be selected by the employee, one member to be selected by the Personnel Director, and a third member to be selected by the other two. The third member must be employed in a department other than the grievant's department. (Note: Selected employees

may elect not to participate on the Grievance Committee.) Immediate family members of the grievant, Assistant County Administrators, Deputy County Administrator, the County Administrator, County Commissioners and their aides cannot serve as Grievance Committee members.

Persons not having a direct interest in the hearing will not be allowed to attend. As an informal peer procedure, legal representation is not allowed.

d. Chair

The member selected by the Personnel Director will act as the committee chairperson who:

- (1) Makes arrangements for suitable meeting place(s) to hold interviews or other reviews, and notifies the other committee members of the date, time and place of such meetings.
- (2) Assures that the interviews and grievance review meetings are conducted in an orderly, professional manner.
- (3) Prepares a detailed written summary of the findings and recommendations of the Grievance Committee.
- (4) Obtains the signatures of a majority of the committee members on the written summary of findings and recommendations.
- (5) Assures that the committee's written summary of the findings and recommendations is submitted to the Personnel Director.

4. Time Frames

- a. Failure of the employee to comply with the time constraints outlined is considered a voluntary withdrawal of the grievance.
- b. Failure of a management representative to comply with the time constraints outlined above will result in the grievance being processed to the next level.

5. Authority

- a. The Grievance Committee is established as the final hearing body for all matters determined to be grievable. Based on the evidence presented, the Grievance Committee has the authority to uphold, modify, amend, or deny any grievance. The recommendation of the Committee is submitted to the Personnel Director, who reviews the Grievance Committee's report and ensures that the decision complies with budgetary, legal, and Merit System requirements.
- b. If the Grievance Committee's recommendation complies with the above requirements, the grievance is finalized. If the Personnel Director finds the recommendation does not comply with one or more of the above requirements, the Personnel Director may return the grievance to the committee for further review, or amend the portion of the recommendations to be in compliance.

6. Record

The record of the grievance, including the committee report, is maintained in the Employee Relations and Personnel Department separate from the employee's official

personnel file.

B. APPEAL PROCEDURE: DISCHARGE OR LAYOFF

1. Any permanent-status employee within the Merit Service who is discharged or laid off from their position may submit a written request for a hearing before the Personnel Appeals Board. Such hearing requests shall be submitted to the Personnel Director within five (5) working days of the effective date of the adverse action.

The employee will be notified of the date of the Appeals Board hearing fifteen (15) working days in advance of such date. It shall be the duty of the employee to notify the Personnel Director of his/her intent to proceed with the appeal five (5) working days in advance of the hearing. In the event such notice is not provided, the Appeals Board shall not be convened and the employee's right to appeal shall be considered waived and the termination or layoff shall be sustained unless the employee petitions the Personnel Director in writing no later than twenty-four (24) hours after the hearing date of his/her request for a rescheduled hearing. The Director may grant such request on the basis of extraordinary circumstances one time. In the event the employee notifies the Board of his/her intent to appeal and does not appear before the Board on the date and at the time and place stated in the County's notice, the Board shall sustain the termination or layoff.

2. The Personnel Appeals Board shall have the authority to sustain, modify or overturn the charges based on the evidence presented at the hearing.
 - a. If the Board finds that the charges are not sustained, it shall order the employee to be reinstated retroactively.

- b. If the Board finds that the charges are sustained, it shall either uphold the termination or layoff, or modify the action originally imposed.

In discharging the responsibility of having final authority in adjudicating appeals, the Board shall remain cognizant of the rights and responsibilities of employees and the responsibility of management to provide efficient and high-quality service to the citizenry of Palm Beach County.

3. The hearings by the Personnel Appeals Board shall be informal. The following procedures are applicable to all appeal hearings:
 - a. The due process requirements of notice, presentation of evidence, and confrontation of adverse witness shall be afforded the employee.
 - b. There shall be a right to be represented by counsel.
 - c. Both parties shall be required to present their case in full.
 - d. In receiving evidence, due regard shall be given to the informality of the proceeding and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence.

7.07 RESIGNATIONS

Any employee wishing to resign from County employment should file with the Department Head a written resignation stating the last date of work and the reason for leaving. Where possible, at least two weeks notice should be given. Failure to submit notice may result in a no-rehire recommendation.

The effective date of separation from the Merit Service shall be at the close of business on the last

[Return to Table of Contents](#)

day an employee reports for duty, the last day of leave granted should the employee not report on the first working day following the expiration of approved leave or the date specified in a written resignation.

RULE 8

LAYOFF

8.01 GENERAL PROVISIONS

It is incumbent upon every Department Head of the County to provide the highest quality service in the most efficient manner consistent with fair treatment of both citizens and employees. Changes in Palm Beach County program priorities, organization changes, shortages of work or funds may necessitate the laying off of existing employees. In no event shall the layoff procedure be used to circumvent the prescribed manner for discharging an employee for disciplinary reasons or for unsatisfactory job performance.

8.02 ORDER OF LAYOFFS

Layoffs will be by job classification within a specifically delineated area, which defines the limits within which employees involved in a layoff may exercise their retention rights, if any (the laid-off employee may not be entitled to any retention rights). No permanent-status employee shall be laid off while another employee without permanent status is retained within the same classification or classification series within the department where the layoff is to occur. Every attempt shall be made to place employees in other vacant positions at the same or lower pay grade for which they are qualified within the same department and, if not successful, in other departments of the County. When it becomes necessary to reduce the number of employees within a given class in a department, employees shall be laid off in the following order: 1) temporary-status employees, 2) probationary-status employees, 3) permanent-status employees. Preference for retention will be given to Veterans who submit proof of discharge from active duty in time of war.

Employees will be laid off in the inverse order of their total length of service in the County, if they have equal skill, ability and employment records. If skill, ability and employment records are not equal,

then selective retention is invoked (see Selective Retention). Permanent-status employees scheduled to be laid off shall be offered demotions to a lower class in their class series and layoff area if they possess the qualifications for the lower class and have greater seniority than the incumbent in that class and have equal skill, ability and employment records. No permanent-status employee shall bump an incumbent while a vacant position exists within the same or similar classification within the department.

8.03 SELECTIVE RETENTION

When a Department Head believes a certain employee is essential to the efficient operation of the department or organizational unit or, if the affected employee has greater skill, ability, or employment record than those of employees of the same classification, the employee may be selectively retained. This is determined by a review of the affected employees' qualifications and personnel file to include performance reviews and disciplinary actions. When permanent-status employees are laid off, their names are placed on a reemployment list in accordance with Merit Rule 3.

8.04 NOTICE OF LAYOFF

Employees will be given a written 60-day notice of layoff. Employees who are given official notice of layoff shall be advised of their right to an appeals hearing under the provisions of Merit Rule 7. The grounds for such appeals are limited to whether the Merit System Rules and layoff procedures were followed and whether employees were afforded all retention rights due them, if any.

8.05 SEVERANCE PAY

If an employee has no retention rights, the County may offer the employee a vacant position which the County seeks to fill and for which the employee is qualified. Sixty (60) calendar days of severance pay will be offered the employee in lieu of the 60-day notice

[Return to Table of Contents](#)

period if the employee has no retention rights, no other job offer is made, or if any job offer requires more than a 6% decrease in pay.

8.06 DEMOTION IN LIEU OF LAYOFF

All of the provisions of the Merit System Rules and Regulations relating to pay upon demotion will apply, except that no employee's rate of pay will be reduced by more than 6% if the employee's base rate of pay does not exceed the maximum of the position demoted to, in which case demotion will be to the maximum.

Employees who are laid off shall have recall rights into the same job classification from which they left for one (1) year. If recalled, the employee's seniority date will be reinstated. If rehired within sixty (60) days of layoff, an employee who has received severance pay will be required to refund any remaining portion of severance pay.

RULE 9

LEAVE BENEFITS

9.01 GENERAL PROVISIONS

The Board desires to alleviate the hardships caused by illness and death and, therefore, offers employees paid Sick Leave and Compassionate Leave to meet those circumstances. The Board also recognizes the employees' need for an annual period of rest and relaxation and offers employees Vacation Leave. In addition, for specific needs, employees may be authorized, Administrative Leave (with pay), Leave of Absence (with or without pay) for family, medical, educational or personal reasons, Military Leave, Workers' Compensation Leave, and Holiday Leave.

9.02 SICK LEAVE

A. ACCRUAL OF SICK LEAVE

1. Sick leave is earned bi-weekly and the accrual is based on 10% of an employee's scheduled hours per week, not to exceed 40 hours per week, times 26 pay periods. For example:

16 hours per week equals 41.6 hours of sick leave per year.

40 scheduled hours per week equals 104 hours of sick leave per year.
2. The maximum accumulation of sick leave is unlimited.
3. Employees will not accrue sick leave in any bi-weekly pay period in which more than one-half of their bi-weekly schedule is reported as leave without pay (LWOP).
4. A new employee shall start accruing sick leave after one (1) full pay period.

5. Employees transferring from any Constitutional Office or other government organization to any department under the jurisdiction of the Board of County Commissioners may have their sick leave credits transferred within the limits of the Board's policy if a reciprocal agreement to that effect exists. Up to eighty (80) hours may be transferred each year not to exceed four-hundred eighty (480) hours beginning with the date of employment with the Board.

B. USE OF SICK LEAVE

1. Notification

- a. The employee, or a member of the employee's family, must notify the employee's immediate supervisor or designee in a timely manner each day of the employee's illness. If absent for more than three (3) consecutive work days without reporting, the employee will be recommended for termination.
- b. Employees on approved long-term medical leave (leave longer than 5 consecutive days verified by the Occupational Health Clinic) must make monthly contact with their supervisor or designee during this absence.
- c. An employee must report a pregnancy to the Occupational Health Clinic before the end of the first trimester (3 months) of pregnancy for assessment of whether any occupational hazards need to be considered.

2. Occupational Health Clinic

- a. Employees may be granted up to a maximum of six (6) months of leave for medical reasons based on verification by the Occupational Health Clinic.

- b. In the process of medical screening the nurse and/or County physician can place an employee on sick leave if a condition is found causing the Clinic to reasonably believe that such action is in the best interest of the employee or others.
- c. Any employee returning to work after an absence due to illness of three (3) consecutive work days or more must report to the Occupational Health Clinic for written clearance before returning to work. Employees must notify their supervisors when they will be reporting to the Clinic.

Employees absent for an illness of five (5) or more consecutive work days must bring a note to the Occupational Health Clinic from their physician stating ability to return to regular duty, or indicating any limitations.

If employees return to work on a day the Occupational Health Clinic is closed, they must obtain the written clearance before the next duty day.

- 3. All employees shall be charged the appropriate number of hours for time absent due to illness.
- 4. Sick leave cannot be used for vacation or conducting personal business. Accumulated sick leave credits may be applied to the following:
 - a. Absences due to personal illness or injury.
 - b. Illness in the immediate family requiring the employee to render assistance.
 - c. Off-the-job injury.

- d. Medical and dental appointments.
 - e. Workers' Compensation injuries as a supplement up to the employee's average wages. However, sick leave may not be taken in lieu of Workers' Compensation.
5. When personal illness of long duration expends all sick leave credits, vacation leave credits must be applied. After vacation leave credits have been expended on the illness, leave without pay shall apply.

C. PAYMENT FOR UNUSED SICK LEAVE CREDITS

- 1. In the event of the death of an employee, payment of 100% of their unused sick leave will be made to the employee's beneficiary, estate, or as provided by law.
- 2. Employees with a minimum of ten (10) years of County service who must retire due to disability shall be eligible for payment of all unused sick leave, provided the employee submits to the Occupational Health Clinic two (2) independent clinical statements from licensed physicians certifying the employee's total disability, as defined under the Florida Retirement System.
- 3. Employees hired before 10/01/94 who voluntarily retire under the Florida Retirement System or who voluntarily resign in good standing after completing ten (10) or more years of continuous, unbroken County service are eligible to be paid fifty percent (50%) of their unused sick leave.

Employees hired before 10/01/94 who voluntarily resign in good standing after completing five (5) or more years of continuous, unbroken County service are eligible to be paid twenty-five percent (25%) of their unused sick leave.

No employee, however, will be paid for more than 500 hours of accrued sick leave upon

retirement; except no employee will be paid less than the amount they would have been paid as of September 30, 1994, had they retired on that date (assuming sufficient leave balance).

4. All new employees hired as of October 1, 1994, will be paid for 10% of accrued sick time after 10 years of employment not to exceed 500 hours.
5. Employees who leave in good standing after completing five (5) or ten (10) years of continuous, unbroken County service to accept employment with any Constitutional Officer or other government organization may elect to transfer their sick leave balance in lieu of being paid if the Board has a reciprocal agreement with the organization.
6. The effective date of payment of all accrued leave credits is the closest pay day following the date of separation from the County Service.

9.03 COMPASSIONATE LEAVE

- A. In the event of a death in the employee's immediate family, three (3) days of compassionate leave is granted. Such leave will be for three (3) consecutive days during which the employee would otherwise have worked. It is the responsibility of the Department Head to verify requests for compassionate leave. Any additional time needed will be charged against sick leave.
- B. The definition of IMMEDIATE FAMILY includes mother, father, sister, brother, children, stepchildren, stepparents, grandparents, grandchildren, spouse, mother-in-law and father-in-law.

9.04 VACATION LEAVE

A. ACCRUAL OF VACATION LEAVE

1. The vacation leave accrual rate for the first twelve (12) months of employment equals 10% of the employee's scheduled hours per week (p/w) times 26 pay periods.

For example:

16 hours p/w	=	41.6 hours per year
20 hours p/w	=	52.0 hours per year
24 hours p/w	=	62.4 hours per year
28 hours p/w	=	72.8 hours per year
32 hours p/w	=	83.2 hours per year
36 hours p/w	=	93.6 hours per year
40 hours p/w	=	104.0 hours per year

2. Beginning with the second year of employment, vacation leave shall accrue at 11.54% of an employee's scheduled hours per week, times 26 pay periods.

For example:

16 hours p/w	-	48.0 hours per year
20 hours p/w	=	60.0 hours per year
24 hours p/w	=	72.0 hours per year
28 hours p/w	=	84.0 hours per year
32 hours p/w	=	96.0 hours per year
36 hours p/w	=	108.0 hours per year
40 hours p/w	=	120.0 hours per year

3. Merit Hours - In recognition of continuous service, merit hours are added to vacation balances annually, effective the pay period in which the employee's anniversary date falls.

From the sixth through the tenth years of employment, merit hours are added in 20% increments based on the number of scheduled hours per work week.

For example, employees scheduled to work 40 hours per week receive additional hours as follows:

YEAR	INCREASE	CUMULATIVE HOURS
6	20%	8
7	40%	16
8	60%	24
9	80%	32
10	100%	40

Additional merit hours are not earned after ten (10) years of employment.

4. No vacation leave shall accrue to employees in any bi-weekly pay period in which more than one-half (1/2) of their bi-weekly schedule is reported as LWOP.
 5. A new employee shall begin accruing vacation leave after one (1) full pay period.
 6. The maximum accumulation of vacation leave that can be carried over from one calendar year to another is 400 hours. Any employee who has accrued vacation leave in excess of 400 hours at the end of the last pay period of each calendar year shall forfeit the excess leave and the vacation leave balance shall automatically be reduced to 400 hours. Exception: Employees who have requested leave and because of documented extenuating circumstances have not been able to use excess vacation leave during the year will be allowed to carry over the excess time to the next calendar year.
 7. Employees who transfer from any of the County's Constitutional Officers' departments may not transfer any vacation leave.
 8. Irregular, seasonal, or work-peak variation in hours worked are disregarded in computing vacation hours accrued.
- B. USE OF VACATION LEAVE
1. Notification
 - a. No vacation leave may be taken without

prior approval by the employee's immediate supervisor.

- b. Department Heads may not take vacation leave without prior approval of the County Administrator or designee.
- 2. All employees are charged the number of their regularly scheduled daily hours for each work day used for vacation leave.
- 3. Vacation leave may be granted to attend funerals of friends or family not covered by the definition of immediate family.
- 4. Vacation leave is to be used for personal religious holidays other than those specified as legal holidays.
- 5. Vacation leave is to be used to transact personal business which cannot be transacted except during working hours.
- 6. Each employee is required to take a minimum of 80 hours of vacation leave per calendar year after completion of one (1) year of service.

Exception: Upon approval of the Department Head, an employee may be granted a waiver from this requirement if the employee submits a request to use the leave for a future specified occurrence such as an extended vacation.

C. PAYMENT FOR UNUSED VACATION LEAVE CREDITS

- 1. Payment of all accrued vacation leave credits is effective the pay day following the date of separation from County Service.
- 2. Employees terminating with less than three (3) months of service shall not receive payment for unused vacation leave.
- 3. In the event of the death of a permanent-status employee, all payment for accrued

vacation leave will be made to the employee's beneficiary, estate, or as provided by law.

9.05 ADMINISTRATIVE LEAVE (WITH PAY)

- A. With justification and the approval of the Personnel Director, the Department Head may suspend an employee with pay pending an investigation, prior to a pre-termination conference, or when deemed necessary to the best interests of the County.
- B. Leave with pay may be granted for authorized attendance at official or educational meetings and shall not be charged against vacation leave.
- C. Leave with pay is granted if an employee shows the Department Head a summons for jury duty or a subpoena to appear as a witness, or as an expert witness, in a job related issue and shall not be charged against vacation leave. (Note: Payment for jury duty, witness fees and expert witness fees must be turned in to the Finance Department.)
- D. Employees who wish to give blood to the County Blood Bank(s) are permitted to take up to two (2) hours off with pay in order to donate.
- E. For attendance at parent-teacher meetings, employees are permitted to take up to two (2) hours leave with pay. Such leave must be approved in advance by the employee's immediate supervisor. Two (2) meetings per year are the maximum allowable under this policy. Official documentation from the school that the meeting occurred is required.

Employees wishing to volunteer in classrooms are permitted to do so by flexing their work schedules when possible. A maximum of four (4) hours per month is the maximum allowable. Supervisory permission is required and employees must flex their schedules within the same work week. (Under the Fair Labor Standards Act, time

cannot be made up in a different work week.)

9.06 LEAVE OF ABSENCE (WITH OR WITHOUT PAY)

A. FAMILY AND MEDICAL LEAVE

Eligible employees will be granted up to 12 weeks of family or medical leave during a 12 month period in accordance with the Family and Medical Leave Act of 1993. Permanent-status employees may be granted additional leave following FMLA leave up to a maximum of six (6) months leave.

1. Notice

If practicable, employees need to provide the department head with no less than 30 days notice of their intent to take such leave, or within one workday of when the employee learns of the need for the leave. An employee must report a pregnancy to the Occupational Health Clinic before the end of the first trimester.

Employees on approved family or medical leave with or without pay must make monthly contact with their department or division during this absence.

2. Eligibility

To be eligible for family or medical leave, an employee must have been a County employee for at least 12 months and been employed for at least 1250 hours during the previous 12 month period. Employees who do not meet the eligibility requirements may take leave only with the approval of the department head.

3. Birth, Adoption or Foster Care of a Child

a. An eligible employee can take up to 12 weeks of leave during a 12 month period measured forward from the first date family or medical leave is used. This applies equally to mothers and fathers.

However, if both the mother and the father are employed by Palm Beach County Board of County Commissioners, the aggregate number of workweeks of leave that both can receive is limited to 12 workweeks during any 12 month period.

- b. The entitlement to leave expires at the end of the 12 month period beginning on the date of the birth or adoption of a child.
 - c. Employees are required to use their annual leave before taking unpaid leave. However, employees shall not be required to use their accrued sick leave, but shall be permitted to use this leave.
 - d. This leave shall not be taken by employees intermittently or on a reduced work schedule, unless the employee has such approval from the department head.
4. Leave due to the serious health condition of the employee or to care for a family member having a serious health condition.
- a. For purposes of this section, family member is defined as spouse, parent or child. Spouse is defined in accordance with applicable State law. Parent means a biological parent or an individual who stands or stood "in loco parentis."

Child means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing "in loco parentis."

Serious health condition is defined as illness, injury, impairment, or physical condition continuing for longer than five (5) days that

involves:

- 1) Inpatient care in a hospital, hospice, or residential medical care facility; or
 - 2) Continuing treatment by a health care provider.
- b. An eligible employee can take up to 12 weeks of leave during a 12 month period measured forward from the first date leave is used.
- c. Employees are required to exhaust their sick and annual leave balances before taking unpaid leave.
- d. If practicable, employees need to provide no less than 30 days notice of their intention to take such leave.
- e. The employee shall provide the Occupational Health Clinic with certification of the need for leave from the health care provider of the employee or family member.

The certification shall state:

- 1) The date on which the serious health condition began;
 - 2) The probable duration of the condition;
 - 3) The appropriate medical facts of the condition; and
 - 4) For family leave, a statement that the employee is needed to care for the family member, and an estimate of the amount of time that such care is needed.
- f. The employee may be required to obtain

subsequent recertification on a reasonable basis.

- g. The employer can require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the employer; however, the health care provider can not be employed on a regular basis by the employer.

In the event the second opinion differs from the first, the employer may require, at its own expense, a third opinion from a health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be final and binding on the employer and the employee.

- h. Intermittent or Reduced Work Week Leave

Leave can be taken intermittently or on a reduced work schedule when medically necessary. The taking of the leave intermittently or on a reduced work schedule shall not reduce the total amount of leave to which the employee is entitled.

The employee must provide a certification from the health care provider stating that the employee's intermittent leave or leave on a reduced work schedule is necessary and the expected duration and schedule of the intermittent leave or reduced work schedule.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

- 1) may be required to transfer

temporarily to an available alternative position (for which the employee is qualified) which has equivalent pay and benefits and which better accommodates recurring periods of leave than the regular position of the employee.

- 2) must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

B. EDUCATIONAL LEAVE

1. After one (1) year of employment, up to six (6) months of leave of absence without pay may be granted for education or training that would be of mutual benefit to the individual and the County. This leave of absence must be approved by the Personnel Director and County Administrator or their designees.
2. Employees on educational leave of absence must expend their vacation leave credits prior to being placed on leave without pay. Their unused sick leave and eligibility for special benefits such as participation in the Employee Development and Tuition Refund Programs will be reinstated upon return to duty.

C. PERSONAL LEAVE

1. No leave without pay is granted for personal reasons when an employee has a chargeable balance of vacation leave. Such requests are charged to vacation leave.
2. Employees with no vacation leave balance who need to take time off for personal reasons may be granted up to six (6) months of leave without pay by their Department Head.
3. Employees may not accrue vacation or sick leave while on leave of absence without pay.

9.07 MILITARY LEAVE

- A. Employees who volunteer, are drafted, or are recalled to active duty in the military service receive the rights and privileges authorized by federal military and veterans laws with respect to leave, status and reemployment.
- B. Employees who are members of a military reserve unit or National Guard unit must present to their Department Head their orders for annual field duty. They will receive military leave with pay, not to exceed seventeen (17) working days in a calendar year.

9.08 WORKERS' COMPENSATION LEAVE

- A. For a work-related injury or occupational illness, the Board of County Commissioners pays the employee's full salary up to one week of disability. After that period, the employee must accept full Workers' Compensation benefits.
 - 1. "No compensation shall be allowed for the first seven (7) days of the disability, except benefits provided for in s. 440.13. However, if the injury results in disability of more than twenty-one (21) days, compensation shall be allowed from the commencement of the disability." Although the law provides for a seven day waiting period which is paid if the disability exceeds 21 days, the Board of County Commissioners pays the regular wages during the first seven days and compensation benefits start on the eighth day of disability. The 21 day disability provision has no effect since the first seven days or part thereof have already been paid by the Board.
 - 2. "Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week he

shall receive his full weekly wages. If his wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

- a. Equal to 100 percent of the statewide average weekly wage, determined as hereinafter provided for the year in which the injury occurred; however, the increase to 100 percent from $66 \frac{2}{3}$ percent of the statewide average weekly wage shall apply only to injuries occurring on or after August 1, 1979; and
- b. Adjusted to the nearest dollar.

For the purpose of this subsection, the "statewide average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the department for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the department on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The statewide average weekly wage determined by the department shall be reported annually to the Legislature."

3. The compensation rate payable is the rate in effect the year in which the injury occurred.
4. All employees who have sustained a service-connected disability and who have reported on the day of accident, or within a reasonable time, shall be entitled to compensation payment from the date of lost time at their Workers' Compensation rate, subject to modification as granted by Paragraph 2.a above. Employees are paid

regular wages by their departments for the day of injury if lost time results from the injury.

- B. Employees can supplement Workers' Compensation payments up to their average weekly wage by first using accrued sick leave benefits and then accrued vacation leave.

9.09 HOLIDAY LEAVE

- A. Recognized holidays, including the national "Monday Holidays," are:
 - 1. New Year's Day
 - 2. Washington's Birthday (third Monday in February)
 - 3. Martin Luther King Day
 - 4. Memorial Day (last Monday in May)
 - 5. Independence Day
 - 6. Labor Day (First Monday in September)
 - 7. Columbus Day (second Monday in October)
 - 8. Veteran's Day (November 11)
 - 9. Thanksgiving Day
 - 10. Christmas
- B. Two "floating" holidays may be added to the above at the discretion of the Board of County Commissioners.
- C. Holiday pay is calculated at eight hours for each holiday based on a 40 hour work week.
- D. Permanent part-time employees, working twenty (20) hours per week or more, will receive holiday pay on a prorated basis.
- E. Holidays occurring on Saturday normally are observed on the Friday preceding the holiday. Holidays occurring on Sunday normally are observed on the Monday following the holiday.
- F. If a holiday occurs during a vacation period, the holiday is not charged against vacation leave.
- G. Employees on Workers' Compensation receive the Workers' Compensation rate on a holiday.

[Return to Table of Contents](#)

- H. Employees must be in pay status the scheduled work day before and after a holiday to be granted holiday pay.
- I. Temporary, on-call, substitute, and part-time employees who work less than 20 hours per week are not eligible to receive holiday pay.

RULE 10

OUTSIDE OR NON-COUNTY EMPLOYMENT

10.01 GENERAL PROVISIONS

Outside or non-County employment, including self-employment, will not be permitted if there is a conflict of interest with County employment.

Employees who intend to undertake such employment must submit written notification to their Department Head of their intent to accept outside work. This notification must contain 1) Name and Address of Outside Employer, 2) When outside work is to begin, 3) Type of Work, 4) Number of days (or nights) per week, 5) Number of hours per day (or night), 6) Specific hours of work. The Department Head shall review the notification to ensure that no conflict exists.

Employees permitted to work in secondary employment outside the County cannot conduct such employment on County time, on standby, or in any manner that interferes with performance of their County job. They cannot use County facilities, equipment or supplies, or wear a County uniform while employed outside the County.

No employee is permitted to work in two different County positions which are funded by the Board of County Commissioners and paid for by the Payroll Section of the Finance Department.

10.2 Employee shall comply with the relevant provisions of Chapter 112, Florida Statutes.

RULE 11

NEPOTISM

11.01 GENERAL PROVISIONS

As legislated by Florida Statute, Chapter 112.3135, a County public official is defined as "an officer...or employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency."

11.02 POLICY

A County official may not appoint, employ, promote, advance, or advocate for advancement any individual who is a relative of the public official to a position in the agency in which they are serving or over which they exercise jurisdiction or control.

Applications for employment of relatives of County employees must receive prior approval of the Personnel Director to assure that no managerial conflict exists.

11.03 DEFINITION OF RELATIVE

A "Relative" with respect to a County public official is spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

RULE 12

PERFORMANCE REVIEW

12.01 GENERAL PROVISIONS

Employees are evaluated periodically on a systematic and job-related basis to provide information for:

- A. Supervisors to assess the adequacy of individual performance in relation to job performance requirements.
- B. Employees to recognize their own performance improvement needs.
- C. Promotion decisions.
- D. Recognizing or rewarding superior performance.
- E. Correcting inadequate performance, and
- F. Decisions on transfer, demotion or separation of employees whose performance continues to be inadequate after reasonable efforts have been made to correct it.

12.02 RESPONSIBILITY

Employee performance is reviewed by the immediate supervisor, who is also responsible for administering any discipline to insure consistency between the performance review process and the disciplinary process under these Merit System Rules.

Department and Division Directors shall review and sign employee performance reviews. They are not permitted to change the employee's rating without agreement among the parties after the employee and the supervisor have signed it.

The Personnel Director is responsible for:

- A. Providing departments with a uniform format and instructions for the performance review process.

- B. Providing training and assistance to supervisors in conducting the performance review process.
- C. Monitoring the performance reviews to ensure compliance with Merit System policy.

12.03 TYPES OF REVIEWS

A. PROBATIONARY

Probationary reviews for all new employees are completed following six (6) months and one year of employment.

B. ANNUAL

Annual reviews are completed for all employees either on their anniversary date of employment or on a calendar year basis.

C. PROMOTION/DEMOTION

Promotion/Demotion reviews are completed three (3) months following the date of the promotion/demotion.

D. SPECIAL REVIEWS

1. Special reviews are completed:

- a. Anytime there is a serious deficiency in the employee's performance.
- b. At the end of any special probationary period.
- c. At the end of any extension of a probationary period.
- d. Upon transfer to a new supervisor.

2. "Needs Improvement" Reviews

An employee who receives this rating has not demonstrated a proficient or acceptable level of performance. Improvement is

necessary in quality, quantity, job knowledge, skill level, or the application of knowledge or skill to the job requirements. A performance improvement plan must be written for the employee explaining 1) the specific areas requiring improvement; 2) what the employee must do to improve; 3) what specific course of action such as training will be provided to assist the employee to improve. The employee will be placed on probation for three (3) months. This probationary period can be extended upon approval of the Department Head, but no extension shall be allowed that would make the total probationary period longer than one year. Failure to improve will result in a rating of "Unacceptable" and proposed termination of employment.

12.04 CONFIDENTIALITY

Employee performance reviews and related counseling sessions are not to be discussed by the supervisor with the employee's co-workers. Copies of completed reviews are provided to the employee, the employee's department, and the Employee Relations and Personnel Department.

12.05 MERIT INCREASES

A proposal for merit increases may be recommended by the County Administrator to the Board of County Commissioners during the budget preparation for each fiscal year. The amount of the employee's merit increase, if any, is determined by the performance review rating.

12.06 GRIEVABILITY

Performance reviews are not subject to the grievance procedure. However, employees who dispute their performance review shall have recourse to their Department Head, whose decision will be final.