

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 06, 2007

<input checked="" type="checkbox"/> [x]	Consent	<input type="checkbox"/> []	Regular
<input type="checkbox"/> []	Ordinance	<input type="checkbox"/> []	Public Hearing

Department

Submitted By: Human Resources

Submitted For: County Administration

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution amending the Palm Beach County Administrative Code by: A) rescinding in their entirety the Palm Beach County Merit System Rules adopted October 5, 1993, and all subsequent amendments and revisions thereto; and B) adopting in their stead the revised Palm Beach County Merit System Rules.

Summary: A complete revision of the Merit Rules is recommended to bring the rules up to date with legislative and legal changes, to make certain policy changes deemed desirable by departments, to simplify the language, and to reformat for ease of understanding. (Countywide-EC)

Background and Justification: The Palm Beach County Merit System Rules and Regulations were first passed by the Board of County Commissioners on July 6, 1976. The last complete revision was done in 1993. In order to update the Rules to incorporate changes in policy and procedures and to simplify the language, a Human Resources Department task team prepared a complete revision. This revision was submitted for comment to the President, CWA, and Department and Division heads. Their comments and input were incorporated into the final version. A listing of major policy changes for the Board's consideration is attached as well as a complete summary of all changes.

Attachments:

1. List of Major Policy Changes for Board Consideration
2. Resolution
3. Proposed Merit System Rules

Recommended by:

Department Director

Date

Approved by:

Assistant County Administrator

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Is Item Included In Current Budget?				Yes _____	No _____
Budget Account No.:	Fund _____	Agency _____	Org. _____	Object _____	

B. Recommended Sources of Funds/Summary of Fiscal Impact:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Administration Comments:

The fiscal impact of this item is undetermined at this time.

Jim D. 1-10-07
OFMB
atn 1-10-07
① 1-10-07
1-10-07

Jim J. Jueschke 1/12/07
Contract Administration
C. Jones 1/12/07

B. Legal Sufficiency:

ETWC
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

RULE 1

ORGANIZATION AND ADMINISTRATION OF THE MERIT SYSTEM RULES AND REGULATIONS

1.01 PURPOSE

A. POLICY

It is the intent and policy of the Board of County Commissioners (Board) to provide a personnel management system consistent with the following:

1. Recruiting, selecting, and advancing employees on the basis of their relative education, training and experience.
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 or conduct, correcting inadequate performance or conduct, and separating employees whose inadequate performance or conduct 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 orientation 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.

B. PROCEDURES

The Human Resources Director, through the County Administrator, shall prepare and submit to the Board of County Commissioners these rules for the Merit Service. Amendments to the Merit System Rules and Regulations (Merit Rules) may be made in the same manner.

C. CONTENT

The Merit Rules shall provide, among other things, as follows:

1. For the maintenance and revision of a position classification plan for all positions 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 Human Resources Director shall allocate the position of every employee to one of the classes in the classification plan.
2. For periodic Pay Plan adjustments, based on

economic and budget factors and Board direction. Employees shall be paid at the rate set forth in the Pay Plan for the classification in which they serve.

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 Human Resources Director, however, may continue to accept applications 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 referral lists for appointment and promotion.
5. 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 disciplined without cause or recourse.
6. For temporary or seasonal employment for periods not to exceed six (6) months in any one (1) year.
7. 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.

8. For establishing procedures governing layoffs, reinstatements, disciplinary actions and grievances.
9. For hours of work, holidays, sick and vacation leave, and other leave with or without pay.
10. For exemptions from the coverage and applicability of these Merit Rules.
11. For other rules, Administrative policies and procedures, regulations, and directives, consistent with these Merit Rules, which shall aid in their effectiveness.

1.02 MERIT SYSTEM COVERAGE

- A. These Merit Rules do not apply to the employees of the Fire Rescue Department covered by the International Association of Fire Fighters bargaining units. For employees covered by the Communication Workers of America bargaining unit, if the contract is silent, the Merit Rules apply.

County service does not include and the Merit Rules do not apply to any employee of a not for profit corporation, instrumentality or other entity providing a service to or for the County, regardless of whether the County is deemed to be a joint employer of such employee and whether the activities of the not for profit corporation or other entity are funded in whole or in part by the County.

- B. The County Service shall consist of all personnel employed by the Board of County Commissioners in one of the job classifications set forth in the Classification and Pay Plan, either as members of the Merit Service or as at-will employees. At-will is 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 any lawful reason. Some examples of at-will

positions are:

1. The Board of County Commissioners, Commissioners' Secretaries, Administrative Assistants and other Commission staff;
2. The County Administrator, Deputy County Administrator, Assistant County Administrators;
3. All positions in the Executive Pay Plan;
4. All non-grandfathered staff of the County Attorney;
5. Executive Secretaries, Executive Secretary to the County Administrator;
6. The Internal Auditor;
7. Project Managers;
8. Deputy Chiefs and Division Chiefs;
9. Members of County Commission appointed boards, committees, and commissions.
10. Constitutional Officers, judiciary and their respective employees.
11. 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.
12. 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.
13. Upon approval of the Director of Human Resources and the County Administrator, departments may designate certain positions as at-will that have requirements inconsistent with merit principles. A list of such positions will be kept in the Human Resources Department.

- C. At-will employees of the Board of County Commissioners shall only be covered by the Merit Rules dealing with leave benefits, outside or non-County employment, and nepotism.
- D. The County Administrator, County Attorney, Internal Auditor or designees shall select, appoint, employ, discipline, or remove any employee of the Board of County Commissioners under their direction and control pursuant to any and all procedures adopted by the Board and in accordance with any employee or union agreements and the Merit Rules for employees included in the Merit Service. Permanent-status employees within the Merit Service shall be dismissed, disciplined, or demoted for just cause or reason and the written statement of such charge or charges shall be filed with the Human Resources 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.

1.03 BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners is the final authority for:

- A. Approving the Merit Rules. 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 Rules.

- B. Prepare proposed amendments to the Merit Rules and the Classification and Pay Plan in cooperation with the Human Resources Director.
- C. Implement and approve special pay schedules in cases of declared emergencies based on the needs and circumstances of the emergency.
- D. 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 HUMAN RESOURCES DIRECTOR

The Human Resources Director shall:

- A. Provide administrative and technical direction for the Palm Beach County Human Resources 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. Establish administrative processes appropriate to carrying out the personnel program.
- F. 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.
- G. Provide administrative support to the Personnel

Appeals Board.

- H. Provide leadership in the development of programs for the improvement of employee productivity and morale.
- I. 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 Human Resources Department for that purpose.
- J. Perform any other functions as necessary or as directed by the County Administrator to carry out the purpose and provisions of the Merit Rules.

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. Commissioners may also appoint alternates to ensure the availability of a quorum. The members of the Personnel Appeals 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 be appointed for two (2) year terms and shall serve at the pleasure of the Board. The members shall not be compensated for their service on the Board.
- 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. Notice of each meeting shall be posted and shall be open to the public. The Human Resources 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 Personnel Appeals 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 Personnel Appeals Board shall not have authority to develop or define personnel administration policy.
3. Render final and binding decisions for Palm Beach County in appeal hearings and sustain, modify or overturn the actions taken.
4. Provide for the administration of oaths, the presentation of testimony, and the production of books, records, and papers pertinent to the hearing.
5. Establish procedures and make recommendations for the conduct of proceedings before the Personnel Appeals Board.

1.07 DISCRIMINATION PROHIBITED

- A. No official, employee or person shall use or promise to use, directly or indirectly, any authority or influence to secure employment for any person, a pay increase or influence the vote of any person or for any related consideration or action.
- 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 orientation or political affiliation.

- C. Any person who violates any of the foregoing provisions of this section may be subject to disciplinary action.

1.08 COUNTY OFFICERS AND EMPLOYEES, DUTIES

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

RULE 2

DEFINITIONS

ADA POSITION DESCRIPTION - A written description of an individual position and the factors and work requirements that distinguish it from another position. A position description shall include a brief summary of the position, essential and marginal job functions, equipment used, physical and weight lifting requirements, working conditions, supervisory responsibilities, and minimum entrance requirements.

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.

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 Classification and Pay Plan, either as members of the Merit Service or as at-will employees.

DEMOTION - The change of an employee from one job classification to another job classification that has a lower minimum assigned pay range, whether voluntary or involuntary.

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

DOMESTIC PARTNER - A person of the same or opposite sex with whom the employee maintains a significant personal and familial relationship outside of traditional marriage, and meets the requisites for a valid domestic partnership as established by ordinance.

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.

GRIEVANCE - A formal notice of appeal of discipline by an employee with permanent status in the Merit Service.

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

NEW EMPLOYEE REQUISITION - The form used to initiate the hiring process.

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 40 hours.

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

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 change of an employee from one job classification to another job classification that has a higher minimum assigned pay range.

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 Human Resources 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.

REINSTATED EMPLOYEE - Employees rehired within 30 calendar days of termination without loss of seniority or benefits.

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

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 an employee for a specified period of time.

TEMPORARY POSITION - A position funded for a period not to exceed six (6) months that does not offer benefits or

permanent status, such as student, on-call, seasonal or substitute positions.

TRANSFER - The 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 advertisements shall indicate the County is an equal opportunity /affirmative action employer (minority, female, disabled, veteran - M,F,D,V) and shall be made available in alternate formats upon request.
- 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 PROCEDURE FOR FILLING VACANCIES

- A. The Department Head or appointing authority shall submit an official New Employee Requisition (requisition) form to the Human Resources 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 Human Resources Director shall submit to the requesting Department Head or appointing authority the names, addresses, and telephone numbers of applicants on the referral list for the position.
- C. All referral lists shall be returned to the Human

Resources Director by the Department Head and shall contain the notation of the actions concerning each applicant on the list.

- D. If, at any time after a referral list has been established by the Human Resources 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 applicants on the referral list shall be notified and record made by the Human Resources Director of the actions taken and the reasons.
- E. Any necessary administrative interpretations concerning referral and appointment matters may be made by the Human Resources Director.

3.03 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 Human Resources Office, on the official department and division bulletin boards, and in other places and by other means as the Human Resources Director deems advisable.
- B. 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 performance tests, if required.
 3. The manner of making application.
 4. The closing date for receipt of application.

3.04 APPLICATIONS

- A. FILING OF APPLICATIONS

1. All applications for positions in the Merit Service shall be made on a Board of County Commission application form, or resume, deemed acceptable by the Human Resources 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 Human Resources 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 Human Resources 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, or resigned not in good standing, and is currently not eligible for rehire by the County.

C. RETENTION OF APPLICATIONS

Applications accepted will be retained in accordance with State of Florida Public Records Law.

3.05 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.
 1. 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. The examination process will be made accessible upon request.
 2. Open competitive and promotional examinations shall be prepared and conducted under the direction of the Human Resources 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.
 3. In all assembled examinations, the name of any examinee shall not be identified until after the examination papers have all been graded.
- B. 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 his/her name from all consideration, or for discharge from the County.

- C. No employee may participate, directly or indirectly, in the rating of an examination in which he/she or a relative, by blood or marriage, or a roommate, or anyone in the employee's household, is a competitor.
- D. It is the responsibility of every employee and representative of the Human Resources 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.
- E. Any examination may be postponed or canceled at the direction of the Human Resources Director. In either case, each applicant shall be notified of the postponement or cancellation and the reasons for the action.

3.06 METHOD OF SCORING/RATING EXAMINATIONS

- A. Appropriate 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 Human Resources 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.

3.07 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 eligibility. 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.

3.08 REFERRAL LISTS

- A. Vacancies in the Merit Service shall be filled from referral lists and/or registers by a competitive process unless the Human Resources Director determines that the vacancies will be filled by lateral transfer, demotion, recall or through any authorized and established non-competitive process.
- B. It shall be the responsibility of applicants to notify the Human Resources Director of any change of address or other change affecting availability for employment.
 - 1. Whenever applicants 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.
 - 2. As needed and feasible, the Human Resources Director shall update lists to maintain availability of applicants on a current basis.
- C. Each referral list shall remain in effect for six (6) months. When deemed necessary and in the best interest of the County, the Human Resources Director may extend the duration of the referral list for an additional period.
- D. Applicants may be excluded from further

consideration for any of the reasons listed below:

1. At the request of the applicant.
2. Refusal of an offer of appointment under conditions previously listed by the applicant as acceptable.
3. Appointment from a referral list to fill a permanent position.
4. Failure to report for an interview or to respond to any letter sent or to any inquiry of the Human Resources Director or Department Head within the time specified unless satisfactory justification is furnished for such failure to respond.
5. Failure to report for work after accepting appointment.
6. Notice by postal authorities of their inability to locate applicants at last known address.
7. The discovery, upon review of eligibility, that the applicant would be subject to rejection under other provisions of these regulations.
8. Dismissal from the County Service or resignation not in good standing with a recommendation of no-rehire or an appropriate restricted rehire status.
9. Following separation from the County if on a list advertised as promotional.
10. Discovery that the applicant has willfully provided erroneous information, withheld information, evaded questions, or otherwise misrepresented his/her qualifications to qualify for appointment and/or promotion.
11. Any cause or condition specified in the Merit Rules for rejection of an application.

12. Expiration of six (6) months from the date of being placed on a referral list unless the list is extended.
13. The applicant's reference check reveals previous job related performance or conduct problems.

3.09 TYPES OF REFERRAL LISTS

A. PROMOTIONAL LISTS

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

B. OPEN COMPETITIVE LISTS

When it is impractical to establish promotional lists, the Human Resources Director shall use open competitive lists consisting of persons who have successfully qualified through the competitive process for the classes of positions involved.

3.10 PROCESSING APPLICANTS SELECTED

- A. The Department Head or appointing authority shall select the best qualified applicant from among those referred. Once a selection is made, the Human Resources Department will make the job offer to the selected person.
- B. Before official appointment, the applicant must:
 1. Pass a physical examination.

2. Based upon the nature of employment, pass a pre-employment background investigation and/or drug test as required or permitted by law.
 3. Present a Social Security card and other documentation to meet U.S. Citizenship and Immigration Services (USCIS) requirements within three (3) days of beginning work.
 4. Present proof of education, if requested, within 30 days of beginning work.
 5. Present any other documents determined necessary to verify job requirements.
- C. Any exception to this procedure must be approved by Human Resources Director.

3.11 POST-OFFER PHYSICAL

- A. All applicants tentatively selected for employment will be given a post-offer physical at the Occupational Health Clinic. The Occupational Health Clinic 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.
- B. The post-offer physical is valid for 30 calendar days prior to actual start date. If placement exceeds 30 days, another post-offer physical is required.
- C. If after separation an employee is rehired, the employee must be given a post-offer physical at the Occupational Health Clinic if more than 30 calendar days have elapsed.
- D. No employee may start in a new position without Occupational Health Clinic review of the position's physical requirements, whether a promotion, demotion, or a lateral transfer. The Occupational Health Clinic shall make a determination of what medical screening may be required or waived.

3.12 TYPES OF EMPLOYMENT STATUS

A. PERMANENT FULL-TIME

A position with a work schedule of 40 hours or more that is funded for more than six (6) months, covered under our merit system and eligible for full employee benefits.

B. PERMANENT PART-TIME

A position with a work schedule of less than 40 hours per week, that is funded for more than six (6) months, and covered under our merit system. Employee benefits are pro-rated based on the number of hours worked per week.

C. STUDENT

A non-merit position that is set aside strictly for students enrolled in an accredited educational or vocational program. Employment is limited to a maximum of 1,000 hours per calendar year. Student employees receive no employee benefits.

D. INTERN

1. A multi-year developmental program under the direction of the Training and Organizational Development Program for current County employees.

2. A temporary (less than six (6) months) position under an agreement with a college, university or vocational/technical school to satisfy a practical experience requirement for graduation.

E. ON-CALL

A non-merit position hired to work only when called, either for peak periods or to work in place of permanent employees who call in sick, are on vacation or on leave of absence. Employment is limited to a maximum of 1,000 hours per calendar year. On-call employees receive no employee benefits.

F. SEASONAL

A non-merit position hired to staff a function or program that operates intermittently throughout the year and continues from year to year with a regular but often fluctuating work schedule. Employment is limited to a maximum of 1,000 hours per calendar year. Seasonal employees receive no employee benefits except Florida Retirement System contributions.

G. TEMPORARY

A non-merit position scheduled to work either full or part-time to fill a temporary workload for up to six (6) months from date of hire. Temporary employees receive no employee benefits.

H. SUBSTITUTE

A non-merit position that is used to hire from outside County service to perform the job duties of a permanent County employee out on an approved leave of absence. Substitute employees receive no employee benefits. Substitute employees share the same position number and classification as the permanent employee. They may work up to six (6) months, or until the permanent employee returns from leave of absence.

I. OVERLAP

An employment status that occurs when a new employee is hired to replace a permanent County employee prior to the position being vacated. Overlap employees receive the same benefits as the employee they are overlapping.

3.13 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 ten (10) consecutive workdays. A

temporary promotion shall not exceed six (6) months unless extenuating circumstances exist and approval is granted by the Human Resources Director. In no event shall the temporary promotion continue for more than 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.
- 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 his/her 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, whether new appointments, reemployment, or transfer from at-will positions. The probationary period shall be used for closely observing the employee's work to determine if the employee's performance and conduct merit retention as a permanent employee.

4.02 DURATION

A. NEW EMPLOYEE

The probationary period for new employees shall not be less than one (1) year of actual time worked. If a probationary employee has any period of absence from the job lasting longer than 10 working days (80 hours), the probation period will be extended by the same amount of time the employee was absent from the job. The probation can be extended by the Department Head with the agreement of the Director of Human Resources for an additional 90 days based on atypical circumstances.

Employees on new employee probation are not allowed to laterally transfer into a different position or promote into a different position before the end of the probation period. If an employee on new employee probation takes a demotion, their pay will be the minimum of the new grade.

B. PROMOTION

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, and the rate of

pay returned to the same rate prior to promotion.

C. DEMOTION

A demoted employee with permanent status shall be on probation for three months, if he/she has not previously served a probationary period in the job class to which he/she was 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 discharge as if originally laid off.

D. 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.

4.03 DISMISSAL DURING PROBATIONARY PERIOD

At any time, a Department Head, may dismiss an employee with or without cause upon issuing of an approved letter. There shall be no right of appeal from adverse action taken against an employee during the probationary period.

RULE 5

DEMOTION, TRANSFER AND RESIGNATION

5.01 TYPES OF DEMOTION

A. TYPES OF DEMOTION

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

1. INVOLUNTARY

- a. The inability to satisfactorily perform the essential duties and responsibilities required by the job classification. Such demotion may be made by the Department Head with the approval of the Human Resources Director.
- b. The downgrading of the job class to a lower pay grade.

2. 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 Human Resources Director.

B. DEMOTION IN LIEU OF LAYOFF

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

C. EFFECT OF DEMOTION ON PAY GRADE AND PAY RATES

When an employee with permanent status is demoted, the employee's rate of pay will be adjusted in accordance with Merit Rule 6. If demotion occurs while on new employee probation, the employee's rate of pay must go to minimum of grade.

5.02 LATERAL TRANSFER

- A. A permanent status employee, may, with the approval of the Department Head concerned and the Human Resources Director, be transferred to another position in the same job classification or to another job classification with the same pay grade.
- B. Such transfer shall not change the employee's pay grade, pay rate, anniversary date or permanent status.
- C. If the transfer is to another classification, the employee must meet minimum qualifications and the duties and responsibilities must be substantially similar.

5.03 RESIGNATIONS/REHIRE STATUS

- A. 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 (2) weeks notice should be given. Failure to submit notice may result in a no-rehire recommendation.
- B. The effective date of separation from the Merit Service shall be at the close of business on the last day an employee reports for duty, the last day of paid approved leave or the last day of medical leave granted should the employee not report on the first working day following the expiration of approved medical leave.
- C. An employee upon termination shall be coded as Yes for rehire, No for rehire or Restricted rehire, excepting rehire in a certain department. The basis for a no or restricted rehire is failure to give notice, absence without leave (AWOL), discharge, poor performance, disciplinary record, or otherwise leaving County employment not in good standing. Former employees with a NO REHIRE status may request review of their status after one year by writing to the Human Resources

Director.

RULE 6

CLASSIFICATION AND PAY ADMINISTRATION

6.01 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 Human Resources Director who shall provide for the continued, proper allocation of positions to job classes. The Human Resources Director may delegate authority to staff members of the Human Resources Department to assist in the continuous review and maintenance of the classification specifications.

The Human Resources 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.

6.02 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 Human Resources 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.

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

6.03 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 Human Resources Director, the County Administrator, or Deputy County Administrator, depending on how much the request exceeds the minimum. Should the employee be demoted prior to completion of the probationary period, the employee's rate of pay should be reduced to minimum of pay grade.

B. TYPES OF SALARY INCREASES/DECREASES

1. 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 increases (if given).
2. Pay Upon Promotion - An employee's rate of pay will be adjusted as follows:
 - a. If the promotion is to a position one (1) pay grade higher than the present position, the employee will receive a 3% increase.
 - b. If the promotion is to a position two (2) pay grades higher, the employee will receive a 6% increase.
 - c. If the promotion is to a position three (3) 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 (1) 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 (2) 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 (3) 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 promotional probationary period shall have his/her 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 will be paid in accordance with Merit Rule 8.

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.

C. LONGEVITY PAY POLICY

1. 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 twenty (20) years of continuous, unbroken service.
2. Previous employment with the Clerk & Comptroller, 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.
3. The effective date of the longevity increase will be at the beginning of the pay period in which the employee's anniversary falls.

6.04 CLASSIFICATION REVIEW

A. GENERAL PROVISIONS

The Compensation & Records Section of the Human Resources Department conducts classification reviews periodically or at the request of the department.

1. 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 Request for Job Classification form and a Position Description reflecting current or anticipated duties, so that the position can be properly classified.
2. Positions shall be reclassified only when there is a significant change in the duties and responsibilities or an inequity in the original classification.
3. 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 Human Resources Director to the County Administrator, Deputy County Administrator, or Assistant County Administrator for approval.

C. APPEAL OF A RECLASSIFICATION/UPGRADE RECOMMENDATION

If the Department Head does not concur with Human Resource's 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

1. When positions are reclassified, the Merit

System Rules governing pay upon promotion, demotion, or lateral transfer shall be applied in accordance with Merit Rule 6.03

2. 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 6.03

6.05 METHODS OF PAYMENT

A. GENERAL PROVISIONS

1. All full-time Merit Service employees, exempt and non exempt, regularly working established normal work weeks of 40 hours, shall be paid at the bi-weekly or hourly rates set forth in the Palm Beach County Classification and Pay Plan.
2. If the effective date of any pay change is the same date as an employee's annual increase, the annual pay increase shall be applied first and then any other pay change will be applied.

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 increases, across-the-board increases, promotions, demotions, position upgrading and other types of special pay 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 40 hours when necessary to meet emergency deadlines or operating needs.

1. All overtime work must be scheduled and authorized by the Department Head or designee. Overtime that is fully documented and approved by a Department Head or designee in advance of actual payment is considered to be in compliance with Merit Rule 6.
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, compassionate leave, incentive leave, and jury duty 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, 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 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 40 hours in a work week. Individual employee compensatory time balances shall not exceed 120 hours maximum per employee. 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 receive eight (8) hours of holiday pay and may receive time and one-half for working on the holiday if their total hours worked during the week of the holiday exceeds 40 hours. A Holiday is considered eight (8) hours for a 40 hour work week.
2. Upon Termination - Terminated non-exempt employees shall receive payment for all accrued overtime/compensatory time worked.

E. STRAIGHT TIME PAYMENT FOR EXEMPT EMPLOYEES

1. Employees exempt from paid overtime may be granted time off at a rate of one hour for each hour worked in excess of 40 hours with the approval of the Department head.
2. Payment to exempt employees at straight time rates can be made with the approval of the County Administrator as warranted by unusual circumstances, or when it is deemed counter-productive to allow employees to take time off or flex their schedules.
3. Time balances must be taken prior to termination.

F. SHIFT DIFFERENTIAL PAY

1. 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 employee's base rate of pay.

2. If the employee is transferred from the night shift to the day shift, the differential pay will be discontinued. For overtime purposes, shift differential pay shall be considered when calculating overtime.

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

1. A 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.
2. The 6% differential shall be based on the employee's base rate of pay. 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 6.05, 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 his/her 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, his/her 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

- A. 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.
- B. Employees who commit an offense will be disciplined by written reprimand, suspension, demotion, dismissal or a combination thereof, as outlined in Section 7.02.
- C. Written reprimands and suspensions must be recorded on Form MS# 113, signed by the supervisor, division head, department head, acknowledged by the employee, and submitted to Human Resources.
- D. Discipline, demotion or dismissal may also be administered if the employee does not meet and maintain the prerequisite conditions for a certain position, including but not limited to failure to obtain or maintain required licenses, certificates or other essential qualifications, failure to perform the work required, or unsatisfactory performance.
- E. Any disciplined employee has the right to submit a grievance or appeal as established by the Palm Beach County Merit Rules or applicable collective bargaining agreement.
- F. Each employee shall be provided a copy of Merit Rule 7 and is responsible for knowing and understanding the disciplinary guidelines in Merit Rule 7.

7.02 DISCIPLINARY GUIDELINES

- A. Department directors or designees may discipline, demote or dismiss permanent-status employees for just cause.
- B. Department directors or designees will use the following list of offenses and disciplinary guidelines when administering discipline. If a specific offense or circumstance warrants discipline but is not listed, appropriate discipline may be administered within the meaning and intent of Merit Rule 7.
- C. Application of Progressive Discipline
 - 1. First Offense: If an employee has not been disciplined for any offense within the previous 12 months, then the disciplinary guidelines for a first offense will apply.
 - 2. Second Offense: If an employee has been disciplined for any offense within the previous 12 months, then the disciplinary guidelines for a second offense will apply.
 - 3. Third Offense: If an employee has been disciplined for two or more offenses within the previous 12 months, then the disciplinary guidelines for a third offense will apply.
 - 4. When determining whether an employee has been disciplined within the previous 12 months, the operative date is the date of the employee's signature of acknowledgment of receipt of the discipline. If the employee refuses to sign the acknowledgement of receipt, the operative date is the date of that refusal, as noted on the disciplinary action form.
- D. If the disciplinary guidelines provide for a range of disciplinary options for a particular offense, the department director or designee may consider the employee's entire personnel record and employment history when deciding which of the

disciplinary options to impose.

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
1. Failure to perform assigned duties. Employees are expected to satisfactorily perform work assignments within the scope of their jobs.	Written Reprimand	1-5 days Suspension	6-10 days Suspension or Dismissal
2. Failure to follow instructions or directions.	Same	Same	Same
3. Unproductive use of time	Same	Same	Same
4. Excessive tardiness. Employees shall not depart from work early without permission and shall observe time limits for breaks & lunch periods.	Same	Same	Same
5. Excessive absenteeism. Sick leave and other types of leave benefits shall not be abused. Employee must notify supervisor in advance of anticipated absence.	Same	Same	Same
6. Unauthorized distribution of written or printed materials on County premises or while on duty.	Same	Same	Same
7. Unauthorized solicitation or sales on County premises or while on duty.	Same	Same	Same
8. Use of profane, obscene, or derogatory language to public or co-workers.	Same	Same	Same

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
9. Absence without authorized leave for less than 3 consecutive work days.	1-5 days Suspension	6-10 days Suspension or dismissal	Dismissal
10. Failure to report an injury or accident.	Same	Same	Same
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	Same	Same	Same
<hr/>			
16. Negligence	6-10 days Suspension or Dismissal	Dismissal	
17. Misappropriation of funds.	Same	Same	
18. Insubordination. Refusal to perform work, follow directives, or defiance, contempt or antagonism to supervision.	Same	Same	
19. Fighting or violence or any other action interfering with the work of others or service to the public.	Same	Same	

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
20. Unauthorized possession of a weapon.	Same	Same	
21. Use of threats, intimidation, harassment or verbal abuse to public or co-workers.	Same	Same	
22. Use of corporal punishment, mistreatment or physical abuse. No individual shall be threatened with physical violence or otherwise forced to suffer degrading experiences.	Same	Same	
23. Failure to report any mistreatment of co-workers, clients, or the public.	Same	Same	
24. Falsification of records including omission or knowingly submitting inaccurate or untruthful information.	Same	Same	
25. Destruction or abuse of County property or equipment or property of co-worker or public, regardless of value.	Same	Same	
26. Unauthorized use of County property or equipment or property of co-worker or public.	Same	Same	
27. Theft of property or equipment, regardless of value, owned by the County, a co-worker or a member of the public.	Same	Same	

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
28. Participating or engaging in concerted activity to commit an offense or slow-down of work, mass call-in <u>alleging sickness</u> or work stoppage.	Same	Same	
29. Committing any offense while supervising other employees.	Same	Same	
30. Impaired or under the influence of alcohol or non-prescription controlled substances.	Same	Same	
31. Use, possession, solicitation, sale or disbursement of alcohol or non-prescription controlled substances.	Same	Same	
32. Conduct unbecoming a public employee. Such conduct includes actions which reflect unfavorably on the County, its employees or its citizens. Employees are expected to conduct themselves in a professional manner.	Same	Same	
<hr/>			
33. Violation of other rules, regulations or policies such as departmental policies or safety rules, <u>or Federal, State or local rules or laws.</u>	Written reprimand or up to 10 days Suspension or Dismissal	Up to 10 days Suspension or Dismissal	6-10 days Suspension or Dismissal

<u>OFFENSE OR CONDUCT</u>	<u>1st OCCURRENCE</u>	<u>2nd OCCURRENCE</u>	<u>3rd OCCURRENCE</u>
34. Absent without authorization of leave for 3 or more consecutive work days.	Dismissal		
35. Use or threatened use of a weapon.	Dismissal		
36. Unethical conduct as specified in Chapter 112, Florida Statutes, "Code of Ethics for Public Officers and Employees."	Dismissal		
37. Placed under arrest and/or charged with any crime related to employment or which implies a likelihood of potential harm to citizens or property.	Administrative leave without pay until the charge is resolved by the prosecuting authority or a criminal court.		
38. 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		

7.03 PROCEDURES FOR DISMISSAL: NOTICE AND PRE-TERMINATION MEETING

A. Before any permanent-status employee can be dismissed, the department director or designee must provide written notice to the employee and convene a pre-termination meeting.

1. Written notice shall be:

a. Hand-delivered to the employee at least three(3) working days before the meeting; or

b. Sent by regular first class mail at

least five(5) working days before the meeting to the home mailing address provided by the employee. A mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.

2. The written notice shall contain the following:

- a. The reasons for the employee's proposed dismissal, including the specific offense or offenses, if any, charged against the employee.
- b. A statement that a meeting has been scheduled to give the employee an opportunity to rebut or otherwise respond to the reasons stated for the proposed dismissal, and that the employee may submit relevant evidence, orally or in writing, at the meeting.
- c. The date, time and location, including address and room number, of the meeting.
- d. A statement that the employee may bring an attorney or other representative to assist the employee at the meeting.
- e. A statement that if the employee is unable to attend the meeting in person, then the employee may, upon request, attend the meeting by telephone or may send a representative to attend the meeting in the employee's place.
- f. A statement that if the employee fails to attend the meeting or otherwise respond to the written notice, the department director or designee will make the decision based on the available evidence.
- g. A request that the employee contact the department not less than 24 hours before the scheduled meeting to confirm whether

the employee, or the employee's representative, will attend the meeting.

- h. The name and telephone number of the departmental contact for the employee to call to confirm attendance.

B. PERIOD BETWEEN NOTICE AND THE PRE-TERMINATION MEETING

- 1. During the period between notice and the pre-termination meeting, department directors or designees may:
 - a. Direct employees to follow their normal schedule and perform their usual duties in a professional and orderly manner;
 - b. Temporarily assign employees to other duties, another schedule or another work location;
 - c. Allow employees to use available vacation leave; or
 - d. Place employees on administrative leave with pay.

C. PRE-TERMINATION MEETING

- 1. The department director or designee shall preside over the meeting.
- 2. The Human Resources director or one or more designees, the County Attorney or designee, and the employee's supervisor or other employees within the department may attend the meeting. The department should provide copies of relevant documents and correspondence to the attendees before the meeting.
- 3. The meeting shall be conducted informally.
- 4. The department director or designee will convene the meeting and will explain that the purpose of the meeting is to protect the employee from an erroneous or arbitrary

decision and to hear the employee's response to the reasons stated for the proposed dismissal.

5. The employee shall be permitted to rebut or otherwise respond to the reasons stated for the proposed dismissal, and may submit relevant evidence, orally or in writing, at the meeting.
6. After considering all relevant evidence, the department director or designee shall decide whether to dismiss the employee or take other appropriate action.
7. If the department director or designee decides to dismiss or otherwise discipline the employee, the employee will be informed of his or her right to appeal or grieve that decision.
8. Any dismissal or discipline will be effective immediately unless otherwise stated by the department director or designee.

7.04 EMPLOYEE GRIEVANCES

A. DEFINITION AND SCOPE

Permanent-status employees within the Merit Service may file grievances on disciplinary actions, involuntary demotions, failure to be promoted and disputes involving the applications of the Merit Rules and other policies and procedures, with the following exceptions:

1. Contents of policies, procedures, rules and regulations.
2. The methods and means by which work activities are carried out, including work location and scheduling.
3. Performance reviews.
4. Counseling forms or memos of counseling.

5. Pay policies and the assignment of pay grades and salary ranges.
6. Discharges and layoffs, which are appealable to the Personnel Appeals Board.
7. Job classification disputes, which are appealable by the Department Head to the County Administrator, whose decision shall be final.
8. Discrimination complaints, which are informally filed with the Fair Employment Programs section of Human Resources.

B. PROCEDURE

1. Prior to initiating a grievance under this process the employee shall discuss the problem with his/her immediate supervisor who shall try to resolve the issue with the employee.
2. If the issue is not resolved by the employee's immediate supervisor, the employee submits the grievance to the Human Resources Director within five (5) working days of the event giving rise to the grievance. The Human Resources 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.
3. For a grievance to be processed, it must be submitted on the official grievance form, MS# 213.
 - a. 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 Human Resources 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.

- b. STEP II: If the grievant is not satisfied by the STEP I response, the grievance is presented to the Division Head if applicable 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.
- c. 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.
- d. GRIEVANCE COMMITTEE: If the grievant is not satisfied by the STEP III response, the grievance is presented to the Human Resources Director within five (5) working days. The Human Resources Director will convene a Grievance Committee to meet with the grievant, investigate the grievance, and submit a written report with recommendations to the Human Resources Director.

C. TIME FRAMES:

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

D. GRIEVANCE COMMITTEE

1. Purpose

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

2. Function

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 Grievance Committee will be allowed time off with pay to do so. The Grievance Committee shall hear the facts of the case on an informal unstructured basis and will arrive at a conclusion based on a majority vote of the members.

3. Structure

The Grievance Committee shall be composed of five (5) active members, all of whom are current County employees from departments other than that of the grievant. These five (5) active members, as well as an additional five (5) alternate members, are appointed by the County Administrator for Grievance Committee service extending over a period of twelve (12) months. At the end of each 12-month period, the County Administrator will establish a renewed list of Committee delegates for the coming year. All members called upon to serve on a Grievance Committee shall be charged with the responsibility of objectively hearing the case as neutral determiners of fact and just cause.

Grievance Committee hearings will normally be held on the second Thursday of each month but may be convened more/less frequently depending upon necessity. Furthermore, these proceedings shall be conducted in a public setting so as to comply with any applicable legal statutes and/or regulations.

The Human Resources Department/Employee Relations will oversee and administer the Grievance Committee process, including any necessary training of all active and alternate Committee delegates. An Employee Relations staff member will act as Chairperson with the following duties and responsibilities:

- (1) In conjunction with the grievant's department, arranges for a suitable meeting place at which to conduct the grievance hearing and coordinates other logistical factors (e.g. meeting date, time) with all participants, including any witnesses scheduled to provide testimony.
- (2) Maintains the integrity of the process and ensures that the grievance hearing is conducted in an orderly, professional manner.
- (3) Assures that a proper record of the grievance proceedings is created for Human Resources Department files.
- (4) Documents the summary findings and recommendations of the Grievance Committee, including the signatures of a majority of the members.
- (5) Assures that the Committee's documented summary report is submitted to the Human Resources Director for final approval.

4. 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, or deny any grievance. The recommendation of the Grievance Committee is submitted to the Human

Resources 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 Human Resources Director finds the recommendation does not comply with one or more of the above requirements, the Human Resources Director may return the grievance to the Grievance Committee for further review, or amend the portion of the recommendations to be in compliance.
- c. The record of the grievance, including the Grievance Committee report, is maintained in the Human Resources Department separate from the employee's official personnel file.

7.05 APPEAL PROCEDURE: DISCHARGE OR LAYOFF

- A. Any permanent-status employee within the Merit Service who is discharged or laid off from his/her position may submit a written request for a hearing before the Personnel Appeals Board. Such hearing requests shall be submitted to the Human Resources Director within five (5) working days of the effective date of the adverse action.
- B. The employee will be notified of the date of the Personnel Appeals Board hearing 15 working days in advance of such date.
 - 1. It shall be the duty of the employee to notify the Human Resources Director of his/her intent to proceed with the appeal not later than five (5) working days in advance of the hearing. In the event such notice is not provided or the employee does not appear, the Personnel 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.

2. An employee may request to reschedule the hearing in writing to the Human Resources Director no later than 48 hours before the hearing date. The Human Resources Director may grant such request one time. Any additional requests will be considered by the Human Resources Director on the basis of extraordinary circumstances only.

C. The Personnel Appeals Board shall have the authority to sustain, modify or overturn the charges based on the evidence presented at the hearing.

1. If the Personnel Appeals Board finds that the charges are not sustained, it shall order the employee to be reinstated retroactively.
2. If the Personnel Appeals Board finds that the charges are sustained, it shall either uphold the termination or layoff, or modify the action originally imposed.
3. In discharging the responsibility of having final authority in adjudicating appeals, the Personnel Appeals 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.

D. The hearings by the Personnel Appeals Board shall be informal. The following procedures are applicable to all appeal hearings:

1. The due process requirements of notice, presentation of evidence, and confrontation of adverse witness/es shall be afforded the employee.
2. There shall be a right to be represented by

counsel.

3. Both parties shall be required to present their casess in full.
4. 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.

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. Employees in positions funded by grants of a fixed or limited duration may be laid off without merit retention rights if grant funding ceases.

8.02 ORDER OF LAYOFFS

- A. Department Heads will designate the work unit and job classification to be affected by the layoff. The work unit could be the department, a division of the department, or a specific program within a department or division.
- B. The order of layoff will be by work unit and job classification in the following sequence:
- | | |
|-----------------------|---------------------------------|
| <u>1st</u> | <u>temporary</u> |
| <u>2nd</u> | <u>probationary</u> |
| <u>3rd</u> | <u>permanent part-time, and</u> |
| <u>4th</u> | <u>permanent full-time</u> |
- in order of seniority, if equal in skill, ability or employment record. Seniority is defined in Rule 2, "Definitions."
- C. Preference for retention will be given to Veterans who submit proof of discharge from active duty in time of war.

8.03 RETENTION/RECALL RIGHTS

- A. 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.
- B. No permanent status employee shall replace an incumbent if there is a vacant position in the department in the same classification, or classification series.
- C. 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.
- D. 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 for vacation accrual purposes and pay rate at time of separation will be reinstated.

8.04 SELECTIVE RETENTION

When a Department Head believes a certain employee is essential to the efficient operation of the department or work 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.

8.05 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 Rules and layoff procedures were followed and whether employees were afforded all retention rights due them, if any.

8.06 DEMOTION IN LIEU OF LAYOFF

If demoted to a position one (1) pay grade lower, an employee's rate of pay will be reduced by 3% or to the maximum of the new range, whichever is lower. If demoted to a position two (2) or more pay grades lower, the rate of pay will be reduced by 6% or the maximum of the grade, whichever is lower.

8.07 SEVERANCE PAY

Sixty (60) calendar days of severance pay will be offered the employee in lieu of the 60-day notice period if no other job offer is made, or if any job offer requires more than a 6% decrease in 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 the Clerk & Comptroller, Tax Collector, Sheriff's Office, Supervisor of Elections, Palm Tran or Property Appraiser's to any department under the jurisdiction of the Board of County Commissioners without a break in service will keep their original date of hire and may have their sick leave credits transferred up to 240 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/40 hours 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. Employees absent for an illness of five (5) or more consecutive work days must report to the Occupational Health Clinic for written clearance and bring a note from their physician stating ability to return to regular duty, or indicating any limitations.
 - d. 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 will be charged the number of their regularly scheduled daily hours for each work day of sick leave. If employees are on long-term medical leave (consecutive leave over 5 days/40 hours) and exhaust sick leave balances, vacation leave will be used before putting the employee on leave without pay. Use of vacation leave for sick leave purposes will be approved or denied by the department head for short-term leave (5 days/40 hours or less). Employees may not take leave in the same pay period in which they earn it. Any leave taken must have been recorded on the prior pay period check.
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. Immediate family is defined as spouse, parent, child,

domestic partner, and eligible dependents of a domestic partner.

c. Funerals when compassionate leave does not apply or to extend compassionate leave.

d. Off-the-job injury.

e. Medical and dental appointments.

f. 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.

C. PAYMENT FOR UNUSED SICK LEAVE CREDITS

1. In the event of the death of an employee, payment of 100% of his/her unused sick leave will be made to the employee's beneficiary, estate, or as provided by law.
2. Employees with a minimum of six (6) 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 resign in good standing after completing ten (10) or more years of continuous, unbroken County service are eligible to be paid 50% of their unused sick leave, not to exceed 500 hours or the amount they would have been paid as of September 30, 1994, had they resigned on that date, whichever is greater.
4. All new employees hired as of 10/01/94, will be paid for 10% of accrued sick time after ten (10) years of employment, not to exceed 500 hours.

5. 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 VACATION LEAVE

A. ACCRUAL OF VACATION LEAVE

1. Vacation leave accrual for full time employees is as follows:

<u>Years of Employment</u>	<u>Hours per Pay Period</u>
<u>First year</u>	<u>4.00 hours</u>
<u>Beginning of second thru completion of fifth year</u>	<u>4.62 hours</u>
<u>Beginning of 6th year</u>	<u>4.93 hours</u>
<u>Beginning of 7th year</u>	<u>5.24 hours</u>
<u>Beginning of 8th year</u>	<u>5.54 hours</u>
<u>Beginning of 9th year</u>	<u>5.85 hours</u>
<u>Beginning of 10th year</u>	<u>6.16 hours</u>

2. Permanent part-time employees will earn pro-rated vacation hours based on their scheduled hours per week. Part-time employees can calculate the amount of vacation hours they will accrue each pay period by dividing their scheduled hours per week by 40 and multiplying the result times the vacation hours accrual of a full time employee.

For example: 30 divided by 40 = .75 times 6.16 (accrual for a 10 year employee) = 4.62 hours per pay period.

3. Employees who are paid less than their weekly schedule will have their vacation accrual pro-rated for the pay period. For example, a ten (10) year employee who is docked eight (8) hours of pay would accrue 5.54 hours instead of 6.16 hours (8 hours divided by 80 = 10% reduction in the accrual).

4. Vacation accruals are reflected in the employee's pay check the week following the end of the pay period. Employees cannot take more vacation time than is shown as a balance on their last pay check.

5. No vacation leave shall accrue to employees in any bi-weekly pay period in which more than one-half ($\frac{1}{2}$) of their bi-weekly schedule is reported as LWOP.

6. A new employee shall begin accruing vacation leave after one (1) full pay period.

7. 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.

8. Employees who transfer from any of the County's Constitutional Officers' departments may not transfer any vacation leave.

9. 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. Employees may be required to take leave without pay if

they have not given proper notice. If absent more than three (3) consecutive days without notice, employee may be terminated.

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.

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 an employee, all payment for accrued vacation leave will be made to the employee's beneficiary, estate, or as provided by law.

9.04 HOLIDAY LEAVE

A. Recognized holidays, including the national "Monday Holidays," are:

1. New Year's Day

2. Martin Luther King Day (third Monday in January)
 3. President's Day (third Monday in February)
 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 Day
- 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 20 hours per week or more, will receive holiday pay on a pro-rated 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.
- H. Employees must be in pay status the scheduled work day before and after a holiday to be granted holiday pay.
- I. Non-Permanent employees are not eligible to receive holiday pay.

9.05 COMPASSIONATE LEAVE

- A. In the event of a death in the employee's immediate family, three (3) days (24 work hours) of compassionate leave is granted. Such leave will be for three (3) consecutive days during

which the employee would otherwise have worked. Thirty-two (32) work hours of leave will be granted if the employee is required to travel outside of the State. 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, father-in-law, domestic partner, and eligible dependents of a domestic partner.

9.06 ADMINISTRATIVE LEAVE (WITH PAY)

- A. A 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, on a regularly scheduled workday, provided the employee is not a party to the law suit or has a personal interest in the matter, 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 per child

are the maximum allowable under this policy. Official documentation from the school that the meeting occurred is required.

- F.** Employees wishing to volunteer in classrooms are permitted to do so by flexing their work schedules when possible. 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.)

9.07 FAMILY AND MEDICAL LEAVE (FMLA)

- A.** Eligible employees will be granted up to 12 weeks of family and medical leave during a 12 month period for personal or family member's serious health condition in accordance with the Family and Medical Leave Act of 1993. Permanent-status employees may be granted leave up to a maximum total of six (6) months leave for personal injury or illness. Only the first 12 weeks of leave for personal or family member's serious health condition is protected by FMLA.

B. Notice and Certification

- 1.** If practicable, employees need to provide the Department Head or designee with at least 30 days notice of their intent to take such leave, or within one (1) 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.
- 2.** Employees on approved family or medical leave with or without pay must make monthly contact with their department or division during this absence.
- 3.** 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:

- a. The date on which the serious health condition began;
- b. The probable duration of the condition;
- c. The appropriate medical facts of the condition; and
- d. 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.

4. The employee may be required to obtain subsequent recertification on a reasonable basis (no more than once every 30 days).

5. 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

C. Eligibility

1. To be eligible for family or medical leave, an employee must have been a County employee for at least 12 months and have actually worked for at least 1,250 hours during the previous 12 month period.

2. Employees who do not meet the eligibility requirements may take leave only with the approval of the department head.

3. An eligible employee can take up to 12 workweeks of leave during a rolling 12 month period.

D. FMLA for Birth, Adoption or Foster Care of a Child

1. An eligible employee can take up to 12 workweeks of leave during a 12 month rolling period. This means when an employee requests FMLA leave, the amount available is determined by going back one (1) year from date of request and subtracting from the 12 weeks any FMLA leave already taken. However, if both the husband and the wife are employed by Palm Beach County Board of County Commissioners, the aggregate number of workweeks of leave that both can receive for this purpose is limited to 12 workweeks during any 12 month period.
2. The entitlement to FMLA leave expires at the end of the 12 month period beginning on the date of the birth or adoption of a child.
3. 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.

E. FMLA leave due to the serious health condition of the employee or to care for a family member having a serious health condition.

1. 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."
2. Child means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing "in loco parentis", under age 18, or a person over 18 who is incapable of self-care.

3. Serious health condition is defined as illness, injury, impairment, or physical condition continuing for longer than three (3) days that involves:

a. Inpatient care in a hospital, hospice, or residential medical care facility; or

b. Continuing treatment by a health care provider.

F. FMLA taken on an Intermittent or Reduced Workweek Basis

1. 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.

2. 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.

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

4. The employee must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

9.08 LEAVE OF ABSENCE (WITH OR WITHOUT PAY)

A. 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 Human Resources 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 will be reinstated upon return to duty.

B. 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.

9.09 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 17 working days in a rolling 12 month period.

9.10 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 (1) week of disability. After that period, the employee must accept full Workers' Compensation benefits.

1. As provided in Chapter 440, Florida Statutes, "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 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 (7) days and compensation benefits start on the eighth day of disability. The 21 day disability provision has no effect since the first seven (7) 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/she shall receive his/her full weekly wages. If his/her 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 2/3 percent of the statewide average weekly

wage shall apply only to injuries occurring on or after August 1, 1979; and adjusted to the statewide average weekly wage.

- b. 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 Agency for Workforce Innovation for the four (4) calendar quarters ending each June 30, which average weekly wage shall be determined by the Agency for Workforce Innovation 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 Agency for Workforce Innovation 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.
- B. Employees can supplement Workers' Compensation payments up to their average weekly wage by first using 1/3 of accrued sick leave benefits or accrued vacation leave.

RULE 10

OUTSIDE OR NON-COUNTY EMPLOYMENT

10.01 GENERAL PROVISIONS

- A. Outside or non-County employment, including self-employment, will not be permitted if there is a conflict of interest with County employment. Employees shall comply with the relevant provisions of Chapter 112, Florida Statutes.
- B. 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.

10.02 RESTRICTIONS

- A. 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.
- B. No employee is permitted to work in two(2) different County positions which are funded by the Board of County Commissioners and paid for by the Payroll Section of the Finance Department.

RULE 11

NEPOTISM

11.01 GENERAL PROVISIONS

In Chapter 112, Florida Statutes, 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. 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 he/she is serving or over which he/she exercises jurisdiction or control.
- B. Applications for employment of relatives of County employees must receive prior approval of the Human Resources 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

Permanent status Merit System employees may be evaluated periodically on a 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. Correcting inadequate performance, and
- D. 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

- A. Employee performance is reviewed by the immediate supervisor, who is also responsible for administering any discipline to ensure consistency between the performance review process and the disciplinary process under these Merit System Rules.
- B. The Human Resources Director is responsible for providing training and assistance to supervisors in conducting a performance review process, and monitoring the performance reviews to ensure compliance with Merit System policy.

12.03 TYPES OF REVIEWS

- A. ANNUAL

Annual reviews may be completed for all permanent status Merit System employees either on their anniversary date of employment or on a calendar year basis.

B. SPECIAL REVIEWS

1. Special reviews are completed anytime there is a serious deficiency in the employee's performance.
2. A permanent employee who has not demonstrated a proficient or acceptable level of performance, must have a written performance improvement plan explaining the specific areas requiring improvement and what the employee must do to improve.
3. 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 this total probationary period longer than six (6) months.
4. Failure to improve will result in proposed termination of employment.

12.04 MERIT INCREASES

- A. 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.
- B. Employees who have been on a Needs Improvement Review Plan will forfeit their next raise, i.e., merit or across the board.

12.05 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. CWA Bargaining Unit/permanent employees may appeal "Needs Improvement" ratings to the Human Resources Director.