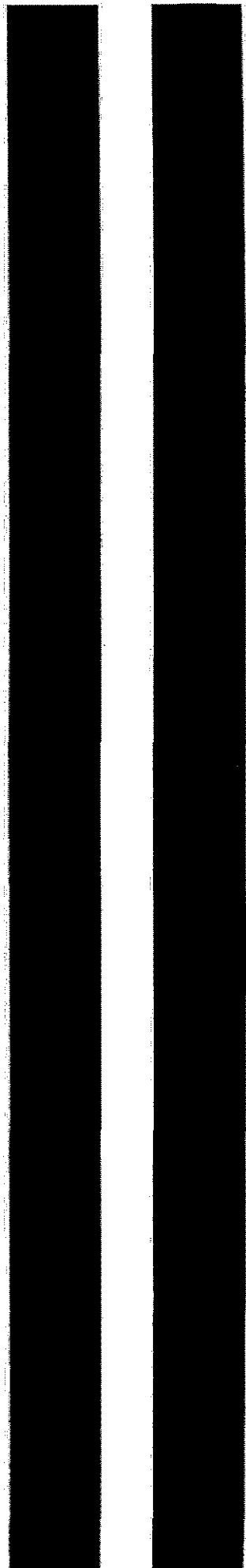


# **PERSONNEL RULES**

FOR THE CLASSIFIED SERVICE



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## **INTRODUCTION**

Public service of a high quality is essential to the continued development of Dade County. It is the principal means by which the county will achieve its maximum potential. For this reason there is no more important occupation than service in the public interest. This should be understood both by Dade Citizens and their public servants and there should exist between them a feeling of mutual understanding and respect.

It is the policy of the county to develop a genuine high regard between its citizens and employees. It does this by means of a career service system. Under this system the county seeks to recruit, employ, and retain those persons best qualified to perform its work. The system also provides training for the growth of employee capabilities; it provides promotional opportunities for the full use of employee skills and abilities; and it conducts programs which will improve employee efficiency, morale, and welfare.

The rules which follow provide a framework for the development of Dade County's career service, as well as specific regulations to guide daily personnel matters. These rules will govern and have the force of law in resolving personnel problems, but they cannot be so precise or complete as to describe every employment situation. The county public service consists of men and women of good will, working together in the common interest of the citizens of the county. In this spirit of harmony these personnel rules are presented to assure wholesome relationships and conditions of employment in the career service of Dade County.

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## CHAPTER I

### Definitions

**ALLOCATE** shall mean the act of assigning each position to its proper class.

**APPOINT** shall mean the act of the department head in assigning to position such applicants as have been certified or been employed in such positions.

**BOARD** shall mean the Personnel Advisory Board.

**CERTIFY** shall mean the act of the Personnel Director in supplying the department heads with names of applicants who are eligible for appointment to the class and positions for which certification is requested.

**CLASS** shall mean a position, or group of positions, having similar duties and responsibilities, requiring similar qualification, which can be properly designated by one title indicative of the nature of work and which carry the same salary range.

**DEPARTMENT** shall mean a major operating division of the county government.

**DEPARTMENT HEAD** shall mean an officer or employee designated by the County Manager or the Board of County Commissioners to be the head of a department and who shall be authorized to appoint or remove employees of his department over which he has jurisdiction, subject to these rules.

**DIRECTOR** shall mean the Personnel Director for Dade County.

**ELECTED OFFICIAL** shall mean an Elected Official whose employees are covered by the provisions of the County Code.

**ELIGIBLE** shall mean a person listed on an active eligible list and who has rights under these rules to be certified for appointment.

**ELIGIBLE LISTS** shall mean a list of all persons who have qualified for appointment to a position within a certain class under the provisions of these rules.

**EMPLOYEE** shall mean an officer or other employee occupying a position and who is paid a salary or wage for services rendered.

**EMPLOYMENT LIST** shall mean an eligible list, promotional list or layoff list.

**EXEMPT SERVICE** shall mean those positions specifically exempt by Section 2-41 of the County Code, and which are not subject to these Rules.

**GRIEVANCE** shall mean that an employee feels he is being treated unfairly in regards to his employment or the conditions of his employment.

**HEARINGS EXAMINER** shall mean the volunteer attorney who hears appeals of disciplinary action.

**ORIGINAL APPOINTMENT** shall mean appointment to a position in the county service of an employee who is not a present employee and who is not being reinstated from a layoff list.

**PERMANENT APPOINTMENT** shall mean the appointment of a probational employee to a permanent position in the classified service.

**POSITION** shall mean a group of current duties and responsibilities, assigned or delegated by competent authority, requiring the full time or part time services of an employee.

**PROMOTION** shall mean the assignment of an employee to a position in the county service having a higher maximum salary than the position from which assignment is made.

**REALLOCATION** shall mean a change in allocation of a position by assigning the position to a different class on the basis of a re-evaluation of, or changes and variations in the duties and responsibilities of the position.

**REINSTATEMENT** shall mean the placing of the name of an employee who has resigned in good standing within the past two years on an appropriate eligible list.

**TRANSFER** shall mean the assignment of an employee from one position to another position in another department.

**VACANCY** shall mean a position existing, or newly created, which is not occupied, and for the filling of which a valid requisition has been received by the Personnel Director.

## **CHAPTER II**

### **Organization For Personnel Administration**

**Section 1. Board of County Commissioners and Elected Officials:** The Board of County Commissioners and Elected Officials as a unit shall:

- (A) Approve the Personnel Rules.
- (B) Approve the Pay Plan.

**Section 2. The County Manager:** The County Manager shall:

- (A) Appoint a Personnel Director who shall be trained and experienced in personnel administration. The Personnel Director shall have the responsibility for the administration of the county personnel program, except that those duties hereinafter specifically assigned to the County Manager may not be delegated.
- (B) Approve all appointments made by department heads in accordance with these rules.
- (C) Act upon the advisory findings of the Hearings Examiner in the case of disciplinary action.

**Section 3. The Personnel Director:** The County Manager shall appoint a Personnel Director who shall be responsible to the County Manager for the administration and technical direction of the county personnel program. The duties of the Personnel Director are:

- (A) To apply and carry out the law and the rules adopted thereunder.

- (B) To attend meetings of the Board and to act as its secretary and keep minutes of its proceedings.
- (C) To establish and maintain a roster of all employees in the county classified service, in which there shall be set forth, as to each employee, the class title, pay or status, and other pertinent data.
- (D) To certify payrolls which bear the names of persons holding positions in county classified service that they have been appointed in accordance with the provisions of the Law and these Rules.
- (E) To promote and develop, in cooperation with appointing authorities and others, programs for the improvement of employee effectiveness, including training, safety, health, counselling and welfare.
- (F) To encourage and exercise leadership in the development of effective personnel administration within the several departments of the county service and to make available the facilities of the Personnel Department to this end.
- (G) To investigate periodically the operation and effect of this law and of the rules made thereunder and to report his findings and recommendations to the Board and to the County Commissioners and other officials.
- (H) To make an annual report regarding the work of the Personnel Department, and such special reports as he may consider desirable, to the Board, and to the County Commissioners and other officials.
- (I) To perform any other lawful acts which he may consider necessary or desirable to carry out the purposes and provisions of the Law.



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**Section 4. The Personnel Advisory Board.** The Board of County Commissioners shall appoint nine persons, none of whom may be employees of Dade County, to serve on the Personnel Advisory Board. It is the function of the Board to serve in an advisory capacity in the administration of the personnel program. It is the duty of the Personnel Advisory Board and it shall have power to:

- (A) Represent the public interest in the improvement of personnel administration in the county service.
- (B) Advise the County Commissioners, County Manager, other Elected Officials, and the Personnel Director on problems concerning personnel administration.
- (C) Promote the interest of institutions of learning and of industrial, civic, professional and employee organizations in the improvement of personnel standards in the county service.
- (D) Make any investigation which it may consider desirable concerning the administration of personnel in the county service, and make recommendations to the Director with respect thereto.
- (E) Make an annual report and when deemed in the interest of improved personnel administration, special reports and recommendations to the County Commission, County Manager and other Elected Officials.

**Section 5. Hearings Examiner:** An attorney, as provided by the County Code, shall serve as examiner in disciplinary appeal hearings. He shall find the facts and transfer these facts to the County Manager.

## **CHAPTER III**

### **Recruitment and Employment**

**Section 1. Recruitment by Examination:** All appointments to the county classified service shall be made according to merit and fitness. Merit and fitness may be ascertained by examinations which shall be prepared by or under the direction of the Personnel Director. Examinations shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position for which the examinations are held. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, or any combination of these. These tests may take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications or attributes which in the judgment of the Personnel Director enter into the determination of the relative fitness of the applicant. Candidates' identity shall be concealed until the examinations are graded. All examinations shall be announced publicly. The following kinds of examinations shall be held:

- (A) Open Competitive Examinations are open to all competitors who meet the qualifications of the examination announcement.
- (B) Promotional Examinations are administered to employees with permanent status in an appropriate lower classification.

**Section 2. Employment of Veterans:** It shall be the policy of the County to give special consideration to the employment of war veterans and they shall receive preference in accordance with the intent and requirements of Chapter 295 of the Florida Statutes.

**Section 3. Employment Lists and Their Use:** The Personnel Director shall establish and maintain eligible lists, both open competitive and promotional, for the various classes of positions in the County service as are necessary to meet the needs.

of the service. Such eligible lists shall contain the names of those persons who are determined by examination process to be qualified to perform the duties required in the specific class. The names of the eligibles shall be placed on such lists in the order of their final ratings in the examination and the applicants shall be notified by the Personnel Director of their qualifying or failure to qualify.

A person resigning in good standing may be reinstated to an appropriate eligible list if he makes such a request within two (2) years of his separation.

**Section 4. Duration of Eligible Lists:** Eligible lists shall remain in effect for a period of one year unless they become exhausted by having fewer than three (3) names remaining on the list. When the Director deems it necessary a new eligible list may be combined with an existing list by placing the names of eligibles from both lists on a combined list; however, the individual's eligibility shall not be for a period longer than one (1) year unless extended by action of the Personnel Advisory Board.

**Section 5. Removal of Names from Eligible Lists:** The Personnel Director may remove from an eligible list the name of any applicant who has been placed on such list if it is determined that any of the following conditions exists:

- (A) The applicant has intentionally made a false statement in his application.
- (B) The applicant is mentally or physically disabled.
- (C) The applicant fails to respond for interview when properly notified.
- (D) The applicant has been interviewed and rejected by three (3) different departments for a position in the same class.

The Personnel Director shall notify each person of the removal of his name and the reason therefor.

**Section 6. Procedures for Filling Vacancies:** All vacancies in the County Classified Service shall be filled from one of the established eligible lists. The department head shall file with the Personnel Department a personnel requisition stating all of the requirements of the position to be filled. The filling of vacancies shall be made from eligible lists in the following priority:

- (A) Layoff Lists (See Ch. VIII, Sec. 2)
- (B) Promotional Lists
- (C) Open Competitive Lists

When a promotional list is certified to a department, the department head shall select from the highest four candidates.

When an open competitive list is certified, the department head will normally select persons in order of their rank on the list. If the department head fails to select candidates in order of their rank, he shall submit his reasons in writing to the Personnel Director who shall review such reasons for their validity. For purposes of validating entrance examinations for the County service, the Personnel Director may allow appointment of persons from any position on the eligible list. For positions requiring special qualifications or attributes, the department head may request the certification of eligibles possessing such special qualifications and/or attributes and he may limit his selection to those persons. In the case of vacancies in classes for which it is deemed impractical to give an examination, the department head may appoint any person who has filed an application with the Personnel Department and who appears to meet the requirements listed on the class specification. All applicants will be given a medical examination by a doctor prior to employment to determine if they meet the prescribed standards of health and physique. At the time of appointment all applicants will be fingerprinted.

**Section 7. Provisional Appointments:** Whenever there are urgent reasons for filling a regular position in a class for which examinations are ordinarily given and for which

appropriate eligible lists are not available, the Personnel Director may authorize the department head to fill the vacancy by a provisional appointment. In such cases, the Director may recommend persons to the department head or may approve the appointment of a person nominated by the department head provided there is reason to believe that the person nominated possesses the qualifications essential to the performance of the work in the class. Provisional appointments shall be terminated at such time as an appointment can be made from an eligible list.

**Section 8. Extraordinary Appointments:**

- (A) Temporary appointments may be made with or without examination to positions which are determined to be temporary. Appointments may not be made for periods to exceed six (6) months in any one (1) year unless approved by the Director.
- (B) Seasonal appointments may be made with or without examination to positions which require the services of an appointee only for certain parts of a year on a recurring basis.
- (C) Emergency appointments may be made in situations where unusual conditions exist which require immediate employment of one or more persons. Appointments may be made for a period not to exceed thirty (30) days.
- (D) Substitute appointments are made to replace a qualified person who may be on an extended leave such as for maternity or education. The substitute will remain on the job until the person returns from leave. Substitute appointments shall be made from an appropriate eligible list.

**Section 9. Transfers:** A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifica-

tions and having approximately the same maximum salary. A transfer must be approved by both department heads affected and the employee concerned. Transferred employees will serve a normal probationary period in the new position, and if performance is not satisfactory, will be returned to the original department.

**Section 10. Demotions:** A position may be filled by the demotion of an employee in accordance with the procedure outlined in Chapter VIII.

**Section 11. Probationary Period:** The probationary period shall be regarded as an integral part of the examination process. It shall be utilized for closely observing the employee's work, for securing the most effective adjustment of the new employee to his position, and for rejecting any employee whose performance does not meet the required standards. Entrance and promotional appointments in the general competitive service shall be probationary for a period of six (6) months. Appointments to positions requiring only a physical examination and for which no competitive tests are required shall have a four (4) months probationary period. Police and Fire professionals and support personnel and job basis, and managerial positions in the classified service, are subject to a probationary period of one (1) year. At any time prior to expiration of the probationary period the department head or his designated subordinate may remove or demote the employee from the position. Although no charges are required and no appeal is permitted, the employee shall be informed of the reasons for his termination or demotion. A probationary employee who holds a permanent status in a lower classification must be returned to the lower classification, if demoted. Time served in a trainee status shall not be construed as probationary time. Transferred employees will serve a normal probationary period as stated in this section, in the new position, and if performance is not satisfactory will be returned to the original department in the lower classification.

Within a specific department and within a specific classification, employment preference shall be granted to part time and temporary employees who qualify on eligible lists for career employment. Time served as temporary or part time will be credited toward the probationary period. Termination of the probationary period by the department head is final and may not be appealed.

**Section 12. Residency Requirements:** No person shall be newly employed in Dade County, or any of its authorities, agencies, or instrumentalities, unless resident in Dade County or unless prepared to sign a covenant that he or she will move to Dade County within six (6) months of employment by the County (County Code Section 2 — 11.16).

## **CHAPTER IV**

### **Classification Plan**

**Section 1. Purpose:** The classification plan provides a complete inventory of all positions in the county classified service and accurate descriptions and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

**Section 2. Composition of the Classification Plan:** The classification plan consists of:

- (A) A grouping into classes of positions which are of approximately equal difficulty and responsibility, which require the same general qualifications, and which can be equitably compensated for within the same range of pay under similar working conditions.
- (B) A class title, descriptive of the work of the class, which shall identify each class.

- (C) Written class specifications for each class of positions containing each of the following: A description of the nature of work and of the relative responsibilities of the position in the class; examples of work which are illustrative of the duties of positions allocated to the class; requirements of work in terms of knowledges, skills and abilities necessary for performance of the work; and a statement of the desirable experience and training for recruitment into the class.
- (D) An allocation list showing the class title of each position in the county service, as identified by the name of the employee holding that position.

**Section 3. Class Title:** Class title shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes.

**Section 4. Class Descriptions:** Descriptions are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Class specifications are deemed to be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

**Section 5. Uses of the Classification Plan:**

- (A) In preparing public announcements of examinations for vacancies.
- (B) As a guide in preparing examinations that will measure the qualifications needed to perform the work of the class.



- (C) In determining salaries to be paid for various types of work.
- (D) In determining lines of promotion and in developing an employee's training program.
- (E) In determining personnel service items in the several departmental budgets.
- (F) In providing uniform job terminology understandable by all county officials, employees, and the general public.

**Section 6. Maintenance of Classification Plan:** The Personnel Director is charged with responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect on a current basis the duties being performed by each employee in the county classified service. The Personnel Director shall recommend to the Board necessary amendments to the Classification Plan in the form of new classes, revisions of existing classes, and the abolition of classes no longer required in the Plan.

Reallocations of positions within the approved Classification Plan shall be made as follows:

- (A) The Personnel Director shall make or cause to have made a study of the duties and responsibilities of each new position as it is created, and on the basis of this study place the position in the appropriate class within the Classification Plan.
- (B) Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modifying of existing assignments shall be reported to the Personnel Director by department heads. If these are determined to be permanent, or more than minor changes, which justify the reallocation to a different classification, the Director shall place such position in its appropriate class.

- (C) The Personnel Director shall periodically review the classification of positions, and, upon the basis of his investigation make the appropriate changes in the allocations to the Classification Plan.
- (D) Employees or department heads affected by the allocation or reallocation of a position in Classification Plan shall be afforded a reasonable opportunity to be heard by the Director after filing a written request. The Director, after hearing the facts in the case, shall render his decision and such decision will be reported to the employee and to the Department Head in writing.

## **CHAPTER V**

### **Pay Plan**

#### **Section 1. Composition of the Pay Plan shall include:**

- (A) A basic type of biweekly pay rates.
- (B) The schedule of salary ranges for each title in the Classification Plan, consisting of minimum and maximum rates of pay and intermediate steps. Each employee shall be paid at one of the rates set forth in the Pay Plan for the class of positions in which he is employed.

#### **Section 2. Development and Maintenance of Salary Ranges:** Salary ranges shall be linked directly to the plan of position classification and shall be determined with due regard to the following considerations.

- (A) Ranges of pay for other classes.
- (B) Relative difficulty and responsibility of positions in the class.
- (C) Availability of employees in particular occupational categories.

- (D) Prevailing rates of pay for similar employment in private establishments.
- (E) Rates of pay in other public jurisdictions.
- (F) Cost of living factors; the financial policies of the County; and other economic conditions.

The minimum, maximum and intermediate steps of each salary range shall be those rates in the basic salary schedule which most nearly reflect these factors. The Pay Plan shall be prepared by the Personnel Director, who shall submit it to the County Commissioners. Changes in salary ranges shall be accomplished by increasing or decreasing the salary ranges the appropriate number of steps as provided by the basic salary schedule. After approval by the County Manager and the Board of County Commissioners, the rate of pay for each employee shall be adjusted to the correct number of steps in conformance with the adjustment of salary range for the class. Any employee receiving a salary in excess of the maximum for the class to which his position is allocated shall receive no further increase.

**Section 3. Salary Ranges:** The salary ranges are intended to furnish administrative flexibility in recognizing individual differences between positions allocated to the same class, in providing employees with incentive, in rewarding employees for meritorious service, and in meeting emergency conditions requiring pay adjustments.

Salary increases within appropriate ranges shall be based on merit and shall be from one step to the next higher step. However, advancement to the second step in pay range may be recommended after six (6) months of continuous meritorious service. Employees shall become eligible for salary increases annually thereafter on their anniversary date. Department heads may recommend salary increases of more than one step and more frequently than once in a twelve (12) month period by detailed written statements to the Director specifying the employee's exceptional performance or the

unusual employment conditions that make such necessary. Salary increases or decreases resulting from the adjustment of salary ranges in accordance with Section 2 of this Rule shall not prevent within range increases in accordance with this section.

**Section 4. Entrance at the Minimum:** The minimum rate of pay for a class will normally be paid to any person on his original appointment to a position, however, the department head may submit in writing to the Director a statement of the unusual circumstances that may exist which warrant employment at a higher rate in the pay range.

The department may pay a range higher than the minimum rate if one of the following conditions exist:

- (A) An employee promoted to a class for which the minimum rate of the salary range for the class is equal to or less than the present salary of the employee, shall receive an increase of at least one step.
- (B) An employee transferred to a position in a different class for which the minimum is less than the present salary rate of the employee shall receive no salary increase.
- (C) An employee re-employed or reinstated to his former position or to another position in the same class may be paid at the step within the range which he was receiving at the time of lay-off or other separation not reflecting discredit upon the employee.

**Section 5. Hourly Rate:** When in the best interest of the county service, an employee is to be paid at an hourly rate, the appropriate hourly rate shall be determined from the rate tables appearing in the Pay Plan for the County Service.

**Section 6. Overtime:** It shall not be the policy of the County to have its employees work frequent or consistent overtime.

However, when employees are directed to work overtime in addition to their regular hours, they shall be compensated as follows:

- (A) Except as otherwise provided in Collective Bargaining Agreements, an employee shall become eligible for overtime at the completion of his standard work week, consisting of working the prescribed number of work week hours. For the purposes of defining and computing overtime, absences from duty in a pay status shall not be considered as time worked, except that.
  - (1) Time off with pay for educational leave shall be considered as time worked.
  - (2) Time off on a County recognized holiday falling on the employee's regularly scheduled work day shall be considered as time worked.
- (B) "Job Basis" employees, as described in the Pay Plan, are not eligible for overtime benefits. Employees serving with this designation are required to work varying schedules as necessary to accomplish the work.
- (C) Employees, where permitted by Administrative Order 7-9, shall have the option of receiving compensation at the rate of time and one-half for all overtime worked or compensatory time off at a later date at the rate of time and one-half for each hour worked in accordance with Administrative Order 7-9.
- (D) Compensatory time may be accrued by eligible employees to a maximum of two standard work weeks. If the maximum accumulation is accrued the employee must be compensated for the hours worked.

- (E) Where it is not feasible to permit the absence of the employee for the purpose of taking such compensatory time within the next succeeding thirty (30) days, the department head must approve payment to the employee for the extra time served.
- (F) Unless otherwise provided in a Collective Bargaining Agreement, employees called from home to perform work not on or contiguous to their regularly assigned work shift shall be guaranteed a minimum of 4 hours pay at the applicable wage rate.
- (G) Unless otherwise provided in a Collective Bargaining Agreement, an employee required to work at least two (2) hours immediately subsequent to his normal work shift, as a continuous extension of same, shall be provided with a one-half hour meal break with pay.
- (H) Section XVI of the Leave Manual provides for the various methods of payment for accrued compensatory time.

**Section 7. Certification of Payrolls:** Prior to the payment of any salary, wage, or other compensation for personnel services, the Director shall certify that each person named on the payroll has been employed in accordance with the appointment and classification procedures of the Civil Service Law and these Rules, and that salary rates for all positions are those authorized by the Pay Plan.

**Section 8. Adoption of the Pay Plan:** On the effective date of the adoption of the Pay Plan or subsequent amendments thereto, all employees whose pay is less than the minimum rate for the class shall be raised to the minimum, provided, however, employees may be advanced to a higher step in the range on the basis of prior service of such employees or other

such valid reasons subject to approval of the Personnel Director. All employees whose pay is in excess of the maximum rate prescribed shall not be reduced in pay, however, they shall not receive any pay increases as long as they occupy positions for which the pay range maximum is the same as, or less than, the pay rate currently received. This provision shall not, however, prevent demotions or reductions for disciplinary reasons or the application of service wide pay decreases when such action is required by the County's financial conditions or by changing economic conditions.

## **CHAPTER VI**

### **Leave**

Except as otherwise provided for in collective bargaining agreements, the provisions of this chapter are fringe benefits applied equally to the entire County Service and are included in the Leave Manual, published separately by the Personnel Department. Holiday pay is described in Section IV, "Holidays" in the Leave Manual.

## **CHAPTER VII**

### **Other Personnel Relations Programs**

**Section 1. Employee Training:** The Personnel Director shall establish and develop an educational program for employees of the county service. The purposes of this program are to increase operational efficiency and to assist employees in preparing themselves for positions of increased difficulty and responsibility. Employee participation in the training program shall be voluntary. Training meetings and courses may be held on the employee's own time or, with the approval of the department head, during official working hours.

**Section 2. Performance Rating Program:** The Director shall establish and administer a program for rating the work performance of employees in the classified service. The performance rating shall be designed to permit the evaluation of the employee's performance and attitude as accurately and as fairly as is reasonably possible. The ratings shall be set forth on the performance rating forms provided by the Director. Each employee shall be given a copy of the performance report based on his individual work performance and attitude, and he shall be entitled to discuss it with the supervisor who rated him, prior to the report becoming certified. The overall performance rating shall not, by itself, be sufficient cause to institute disciplinary action against the employee. It shall be used as a guide for purposes of determining the need for training, the desirability of a merit increase, desirability of transferring an employee, and as a factor in arriving at the promotional examination score.

A permanent employee whose evaluation has one or more factor ratings of "Needs Attention" or "Unsatisfactory" may write the Personnel Director requesting a review of their performance evaluation within ten (10) days of receiving the evaluation.

**Section 3. Employee Grievances:** The policy of the county shall be to adjust grievances of the employees promptly and fairly. The responsibility of the immediate supervisor is to maintain fair and just employment conditions. Any employee who believes that he has received inequitable treatment may personally, or through his representative, file a grievance on a standard form prescribed by the Personnel Director.

Dismissals, demotions, suspensions, reductions in pay, position classifications and allocations and similar matters for which other procedures are provided in these rules are not subject to review as grievances.

**Section 4. Death Benefit:** When a career employee dies and it has been determined that his survivors are not



entitled to County provided job related death benefits, the County will pay to the employee's beneficiary, in addition to compensation for accumulated annual leave, compensatory time and other monies due the employee, the equivalent of two weeks' normal pay or as otherwise provided for in collective bargaining agreements.

## **CHAPTER VIII**

### **Separations**

**Section 1. Resignations:** Any employee wishing to leave the county service in good standing shall file with his department head a written resignation stating the date the employee is leaving and the reasons for leaving. This resignation should be submitted at least two (2) weeks before leaving. Failure to comply with this procedure may be cause for denying such employee future employment with the County. Unauthorized absences from work for a period of three (3) days may be considered by the department head as a resignation.

**Section 2. Layoffs:** A department head or the County Manager may layoff any employee in the County service whenever such action becomes necessary or by reason of shortage of work or funds, the abolition of position, or because of changes in organization. Layoffs shall be applied countywide. However, no permanent employee shall be laid off while there are temporary, provisional, or probationary employees, serving in the same class or position for which the employee is eligible. Equal weight will be given to performance rating and seniority in establishing layoff lists. The names of employees laid off for any of the above reasons shall be placed on a layoff list for a period of two (2) years. If the position is recreated within this period, the employee shall be reappointed according to his position on the layoff list. Employees to be laid off will be notified at least fourteen (14) days in advance.

**Section 3. Suspension:** A department head, or his designee as provided for in an Administrative Order, may suspend a permanent employee without pay for disciplinary reasons. A written statement of the reason for the suspension shall be furnished to the Personnel Director and the employee affected in each case.

Employee indicted by a Grand Jury or against whom information has been filed by a State Attorney or a United States Attorney for a felonious offense may be automatically suspended in accordance with Section 2-42(22) of the County Code.

**Section 4. Demotions:** A demotion shall mean the change of an employee from a position in a class to a position in another class for which the maximum rate is lower.

**Section 5. Suspension, Dismissal, Reduction in Grade and Appeals:** In accordance with Section 2-47 of the County Code, any employee may be suspended without pay, reduced in grade or dismissed by the head of his department, or his designee as provided for in an Administrative order, for any cause which will promote the efficiency of the county service. Prior to taking such action the department head may consult with the Personnel Director about the circumstances of any such suspension, reduction in grade, or dismissal of a permanent employee. A written statement of the reasons for the action shall be furnished to every permanent employee suspended, reduced in grade or dismissed. Except as provided for by the Code of Metropolitan Dade County, Florida, the employee may appeal the action to a Hearing Examiner within fourteen (14) days. The Examiner shall act as a fact finding official, considering all available information related to the action, and transmit these facts and any advisory findings to the manager who may sustain, reverse or modify the suspension, reduction in grade, or the dismissal.

A probationary employee may be discharged or reduced in class or rank, or replaced on the eligible list by the head of the department without charges or hearing. A promotional probationer,

whose services are not satisfactory, unless dismissed, shall be returned to the position from which promoted.

On or before the expiration of the employee's probationary period, the head of the department or his designee as provided for in an Administrative Order shall determine whether the services of the employee have been satisfactory or unsatisfactory. If an entering employee's services are unsatisfactory, he shall be dropped from the payroll at any time prior to the expiration of the probationary period. If satisfactory, or if the head of a department or his designee as provided for in an Administrative Order shall fail to notify the employee prior to expiration of the probationary period, the appointment shall be deemed permanent. The determination of the head of the department or his designee as provided for in an Administrative Order shall be final and conclusive.

**Section 6. Disciplinary Hearings:** The Hearings Examiner shall have the power to administer oaths. The Director, at the request of the Examiner or of any interested party appearing before the Examiner, may subpoena witnesses and may, with the approval of the manager, compel the production of records, books or papers. Should the Director without good cause, refuse to subpoena witnesses and/or request the manager's approval for compelling the production of books, records or papers, or should the manager, having been requested to do so, as provided herein, but without good cause, fail to compel the production of books, records, or papers, then and in either event, the Examiner or any interested party appearing before the Examiner may petition a Circuit Court Judge of the Eleventh Judicial Circuit or a County Court Judge of Dade County to order the appearance of any witness or witnesses or order the production of any books, records or papers necessary to a fair and proper hearing before said Examiner. Failure of any witness ordered to appear or failure of any person ordered to produce books, records or papers may constitute a contempt of court and may be punishable as may any other contempt of the Circuit Court of the Eleventh Judicial Circuit or County Court of Dade County.

**Section 7. Cause for Dismissal, Demotion or Suspension:**

The following are declared to be cause for dismissal, demotion or suspension of an employee without pay though charges may be based on causes other than those enumerated:

- (A) That the employee is incompetent or inefficient in the performance of his duty.
- (B) That the employee has been offensive in his conduct toward his fellow employees, wards of the County or the public.
- (C) That the employee has some permanent or chronic physical or mental ailment or defect which incapacitates him from proper performance of his duties.
- (D) That the employee has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given him by a supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or result in loss, inconvenience or injury to the County service or to the public.
- (E) That the employee has solicited or taken for personal use a fee, gift or other valuable thing in the course of his work or in connection with it, when such fee, gift or other valuable thing so solicited or given him might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future basis.
- (F) That the employee has failed to pay or make reasonable provision for future payment of just debts when annoyance is caused his superior or other County officer or discredit is caused the service because of such failure.
- (G) That the employee has been convicted of a felony, or of a misdemeanor involving moral turpitude.

- (H) That the employee through negligence or willful conduct has caused damage to public property or waste of public supplies.
- (I) That the employee has been guilty of conduct unbecoming an employee of the County whether on or off duty, provided allegations shall be specific and shall describe the conduct which is the basis of the charge.
- (J) That the employee has been absent without leave or has failed to report after leave of absence has been disapproved, revoked, or cancelled by the appointing authority or the Director, provided, however, that if such absence or failure to report is excusable, the Director may, upon the recommendation of the appointing authority, dismiss the charges.
- (K) That the employee has hindered the regular operation of the department or division because of excessive absenteeism.
- (L) That the employee has violated the provisions of departmental rules.
- (M) That the employee has been guilty of attempting to use political influence in securing or attaining a position or in securing promotional or individual salary increases. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of the Rules.
- (N) That the employee has been intoxicated on duty; or if off duty his conduct brings reproach upon the County service.
- (O) That the employee has intentionally falsified a time record, or failed to report absence from duty to supervisors.
- (P) That the employee has made a false claim for leave.

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- (Q) That the employee, after employment, is found to have a false statement in his application for employment.
  - (R) That the employee has misappropriated County funds, appropriated County property for personal use, or illegally disposed of County property.
  - (S) That the employee is antagonistic towards superiors and fellow employees, criticizing orders, rules and policies, and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the County service.
  - (T) That the employee has been refused a surety bond when applied for as a qualification for employment.
  - (U) That the employee refuses to sign an oath of citizenship or oath of loyalty that is required to be signed by all other employees or Elected Officials or the Board of County Commissioners.
  - (V) That the employee has been habitually tardy in reporting for duty or has absented himself frequently from duty during regular hours, or has refused to perform a reasonable amount of emergency work after working hours when directed to do so by his superior officer.
  - (W) That the employee refuses to have his fingerprints or photograph taken when directed to do so.
  - (X) That the employee has been subject to an excessive number of accidents, resulting in personal injury or injury to others.
  - (Y) That the employee, whose position requires the operation of a motor vehicle in the performance of his duties, has lost his driver's license and driving privileges by due process of law.

- (Z) That the employee has operated a County owned or other vehicle utilized in the service of the County in wanton disregard for the safety of others.
- (AA) That the employee has failed to qualify on the examination required for his class or position or has failed to attain a position on the eligible list which permits his selection.
- (BB) That the employee has violated any of the provisions of the Act or the Rules.

None of the foregoing shall be deemed to prevent the dismissal, demotion or suspension of an employee for any cause which justifiable, even though such cause is not contained among those enumerated; provided, however, that a permanent status employee shall have the right of appeal.

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