

House Bill No. 2005

An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating to the Santa Rosa County Civil Service Board; revising applicability of the act and civil service system; adding, repealing, and revising definitions; revising the method of selecting the board; repealing provisions relating to hiring outside the civil service act, the certification of payrolls, the classified pay plan, efficiency standards, registers, filling vacancies, extraordinary appointments, workers' compensation, reports of actions, reduction in force, service in the armed forces, leave, physical and mental examinations, and enforcement; revising provisions relating to rule-making and to disciplinary actions; providing that probationary employees are at-will employees; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 79-561, Laws of Florida, as amended by chapters 81-487, 84-525, 90-478, 94-490, 95-487, 96-550, 97-374, 98-531, and 2001-340, Laws of Florida, is amended to read:

Section 1. Definitions.—As used in this act:

(1) “Administrative service” includes all positions within the county, elected, appointed, salaried, hourly, honoraria, gratuitous, or any combination thereof, excepting those positions in which members and staff of the civil service board serve.

(2) “Appointing authority” means county commission, clerk of the circuit and county courts, tax collector, property appraiser, ~~judges of the circuit and county courts,~~ sheriff, supervisor of elections, superintendent of schools, school board, and regional library. Within the limitation of the foregoing words, appointing authority also means and includes all officers and agencies now or hereafter having the authority to make contracts of employment with persons in the classified service as defined in this act.

~~(3) “Appointment” means the designation of a person to serve in a position within the administrative service of the county.~~

~~(3)(4)~~ “Board” means the Civil Service Board of Santa Rosa County, Florida.

~~(4)(5)~~ “County” means the County of Santa Rosa, State of Florida.

~~(6) “Certification” means the act of certifying.~~

~~(7) “Certify” means to attest authority or to verify.~~

~~(5)(8)~~ “Class” means a group of positions sufficiently similar in duties and responsibilities to be given the same title, the same minimum qualifications, the same examination for fitness, and the same salary range.

~~(6)~~⁽⁹⁾ “Classification” means the act of classifying.

~~(7)~~⁽¹⁰⁾ “Classify” means systematically arranging into units or groups.

~~(8)~~⁽¹¹⁾ “Classified service” includes all positions within the administrative service of the county not specifically included by this act into the unclassified service. Deputy sheriffs are included in the classified service.

~~(9)~~ “Constitutional officer” means the sheriff, clerk of court, tax collector, property appraiser, or supervisor of elections.

~~(10)~~ “Demotion” means an involuntary change of job position that results in a reduction in pay.

~~(11)~~⁽¹²⁾ “Department” means a major subdivision of the two taxing authorities provided for in this act or as established by an appointing authority.

~~(13)~~ “Disciplinary action” means demotion, written reprimand, suspension, or dismissal, or any combination thereof.

~~(12)~~⁽¹⁴⁾ “Division” means a subdivision of any department, as established by that appointing authority.

~~(13)~~⁽¹⁵⁾ “Employee” means any person who holds an appointment to any position within the classified service.

~~(14)~~⁽¹⁶⁾ “Cause Employee misconduct” means actions adversely affecting the orderly, efficient operation of the service, including, but not limited to, insubordination, immorality, drunkenness, inefficiency, neglect of duty, violation of any employment civil service rule or regulation or any combination thereof.

~~(15)~~⁽¹⁷⁾ “Employment” means the initial appointment to a position within the classified service of the county.

~~(16)~~ “Probationary employee” means an employee who has served fewer than 365 continuous calendar days from the date of employment.

~~(18)~~ “Grade” means the final numerical score in points obtained on any examination process. Such term will usually be modified by a descriptive adjective.

~~(19)~~ “Promotion” means the appointment of an employee from one class to a class of a higher rank.

~~(20)~~ “Position” means a group of current duties and responsibilities assigned by the appointing authority, requiring a full-time or part-time employment of one person.

~~(21)~~ “Rank” means the relative position of an employee within the chain of command, based on the range of pay.

~~(22)~~ “Range” means the minimum and maximum pay and those steps in between, which are given as compensation for service within a class.

~~(23) “Series” means two or more classes that are similar as to the type of work but differ as to the level of responsibility and difficulty.~~

~~(24) “Step” means an increment.~~

~~(17)(25) “Taxing authority” means one of the following two major entities of Santa Rosa government:~~

~~(a) County commission.~~

~~(b) School board.~~

~~(26) “Title” means the definite, descriptive designation for a class and all positions of a class.~~

~~(18)(27) “Unclassified service” includes any person elected or appointed members of a board or commission; county administrator, attorneys and assistant attorneys retained by the county or any person employed by them; Office of Management and Budget Director; Public Works Director; Public Service Director; persons of highly technical or professional training maintaining an independent practice employed on a part-time basis; patients or inmates; persons under nonpermanent federal grants (unless specifically accepted by the board into the service); instructional personnel and administrative personnel as described in section 228.041(9) and (10), Florida Statutes, respectively; executive director of Navarre Beach; county engineer; county project coordinator; judicial clerk; court reporters; chief deputy for: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit and county courts; one administrative assistant to: sheriff and property appraiser; one secretary to each judge, county commissioner, school board member, superintendent of schools, tax collector, supervisor of elections, clerk of the circuit and county courts, and county administrator; and one supervisory-level-technical supervisory level person employed or appointed by and at the discretion of an appointing authority for every 10 employees, or fraction thereof, employed in or appointed to the classified service by an appointing authority, ~~subject to a maximum of 10 such supervisory-level employees or appointees for each appointing authority. Additionally, the positions of public works director, public services director, and Office of Management and Budget director, under the county commission shall become unclassified effective 5 years after the effective date of this act or when the respective position is vacated by the person holding said position on the effective date of this act, whichever occurs first.~~~~

Section 2. Civil service system created.—There is hereby created a civil service system for the classified employees of the county. All members of the classified service of the county shall automatically become members of the system of the county upon the effective date of this act.

Section 3. Organization of the system.—The various county governmental agencies shall be organized into the following two taxing authorities for administration under the board as provided in this act:

(1) COUNTY COMMISSION TAXING AUTHORITY.—This taxing authority shall include the classified employees of all agencies of government

not specifically designated by this section as part of another taxing authority, and shall include but not be limited to all classified employees working for the county commissioners, sheriff, property appraiser, tax collector, clerk of the circuit and county courts, ~~judges of the circuit and county courts~~, West Florida Regional Library, and supervisor of elections.

(2) SCHOOL BOARD TAXING AUTHORITY.—This taxing authority shall include all classified employees of the school board.

Section 4. Civil service board created.—

(1) A civil service board consisting of five members is hereby created. Members are seated in the following manner: One member elected by vote of the county commission classified employees, one member elected by vote of the school board classified employees, one member appointed by the county commission, one member appointed by the school board, and one member by vote of the constitutional officers. ~~These four members shall select a fifth member.~~ All members of the board shall serve a 4-year term. No member shall serve more than two appointed or elected full terms in succession.

(2) The supervisor of elections of the county shall be responsible for conducting the elections for the employee members of the board. Said elections are exempt from the Florida Election Code. The election of members shall be by vote of the classified employees of the respective taxing authorities as outlined in this section, and nominations of candidates for said positions shall be submitted in writing and signed by 15 members of the classified service employed within the taxing authorities holding the election and filed with the supervisor of elections at least 21 days prior to the date on which elections shall be held. The names of all persons nominated by the classified employees shall be printed upon a ballot. The classified employees shall be permitted to vote in the election by a secret ballot. The use of a mailout ballot is permitted. The election shall be by a majority of the votes cast.

(3) Any member of the board may be disqualified to hear and determine any cause if there exists any grounds under the laws of Florida which would disqualify the judge of any court, or which is a ground of challenge for cause to a juror. If any person charged with any offense or violation of any law or rule of the board files an affidavit stating that he does not believe that he will receive a fair hearing and sets forth sufficient reasons for such belief, supported by two affidavits of disinterested persons stating that they do not reasonably believe that such member of the classified service will receive a fair and impartial hearing, the board member so challenged shall disqualify himself. If sufficient challenges are made to reduce the number sitting on the board to less than three, then an alternate member shall be selected by the remaining members of the board for the purpose of hearing that particular cause before the board.

(4) Any qualified voter residing in the county is eligible to be a member of the board. County officers, elected officials, employees of the county, and persons having been convicted of a felony or a crime involving moral turpitude are not eligible to hold such position.

Section 5. Existing board to assume authority; election or appointment date.—

~~(1) Any civil service boards existing at the time this act takes effect shall cease, and any other forms of employee control shall cease. However, the members and alternate members of such existing boards or forms of employee control shall exercise the authority, power, and jurisdiction of the board established by this act and shall continue in office until their successors are elected and qualified as provided by this act. All rules, ordinances, policies, and regulations or resolutions in effect on the effective date of this act which are not in conflict with this act shall continue in effect until changed by action of the board.~~

(2) Elections or appointments shall be held or made on the last Tuesday in May, with the exception of the appointment of the fifth member of the board, which will be made at the next meeting. The board members shall take office at the next meeting of the board. The oath of office shall be administered to each of the board members by the clerk of the circuit and county courts.

Section 6. Appropriations to be made for the board.—The county commission and the school board are hereby required to appropriate and fund between them a sufficient sum of money for the operations of the board and for the enforcement of this act. The board shall submit an annual budget to the county commission and school board at least 30 days prior to the beginning of the new fiscal year for each taxing authority. Each taxing authority shall include one-half of this budget amount in each of their respective budgets. The actual legal expenses for hearings shall not be a budget item but will be billed separately by the board to the county commission and school board for the hearings that involve their taxing authority. If the requested budget is disapproved by both or either of the taxing authorities, said budget submitted shall be subject to review by the circuit court for unreasonableness upon the resolution of the civil service board requesting such review.

Section 7. Board to be independent; staff authorized; attorney.—The board shall be independent and is authorized to employ a staff and legal counsel as it may deem qualified and competent to carry out the purpose of this act. The board is also authorized to use personnel in the employ of the county, subject to approval from the appointing authority, to assist in carrying out the provisions of this act. The attorney chosen shall be independent of the county and its appointing authorities as defined in this act, and shall advise the board and staff with respect to all legal matters of policy and procedures. The board attorney shall act as counsel and/or hearing officer to the board at all hearings and trials. The attorneys for the appointing authorities enumerated in this act shall, when requested by the appointing authorities, appear and prosecute charges at trials or hearings before the board.

Section 8. Administrative service; classified and unclassified.—The administrative service of the county is hereby divided into the classified service and the unclassified service as defined in this act.

~~Section 9. Hiring outside act and annual contracts prohibited.—From the effective date of this act, no classified employee shall be hired outside the provisions of this act or on an annual contract.~~

Section 10. Board members to receive a fixed allowance.—The members of the board shall receive a fixed allowance to be determined by joint resolution of the board of county commissioners and the school board. A minimum of \$150 per month shall be paid to each member. The chairperson shall receive an additional \$50 per month.

Section 11. Qualifications of board.—No member of the board shall be employed in any capacity by any appointing authority, nor shall any member hold, or be a candidate for, any paid public office. The members of the board shall qualify by filing with the clerk of the circuit and county courts an oath to support and defend the Constitution of the United States and the Constitution of the State of Florida and to faithfully perform the duties of their office.

Section 12. Officers and meetings.—The board shall elect one of its members as chairman and another member as vice-chairman, and shall meet at such time and place as specified by call of the chairman with advance written notice to each member at least 2 days prior to said meeting. Notice shall be deemed sufficient when mailed to the current address of each member on file with the board. ~~At least one meeting shall be held each month and special meetings may be held when required.~~ All meetings shall be open to the public. Three members of the board shall constitute a quorum for the transaction of business.

Section 13.—Certification of payrolls.—In order to ensure that payment of any salary, wage, or other compensation to any person whose name appears on any payroll, classified or unclassified, is authorized, each appointing authority shall furnish copies of its payroll to the board immediately upon completion of compiling said payroll. The board shall notify the appointing authority, in writing, of any items which appear to be in conflict with this act, as it may be amended, or any civil service rules and the reasons thereof.

Section 14.—Classified pay plan.—The board shall adopt, for each taxing authority, a classified pay plan establishing a system of salary ranges for all positions in the classified service in that taxing authority. Salary ranges shall be fixed to job classifications. Job classifications will be established to ensure uniform pay ranges for like services for all classified employees throughout the county. To ensure this uniformity, changes in ranges for classification must be first approved by each taxing authority ensuring adequate funding and then recommended to the board for evaluation and approval or disapproval. Each taxing authority shall have the responsibility for determining the dollar figure which shall be inserted into the ranges of the classified pay plan. The board shall make a wage survey for employees in the service of the county and give the results of the survey to each taxing authority to prepare the dollar figure to be inserted into the ranges. The board shall update this survey at least every 3 years and have it completed no later than 3 months prior to the start of the fiscal year.

~~Section 15.— Efficiency standards.— Each taxing authority, at their discretion, shall develop an evaluation system approved by the board to be used to evaluate classified employees on an annual basis. A report will be made to the appointing authority listing the names of those with unsatisfactory reports and a listing of those whose reports have not been received within 1 month following the evaluation period.~~

Section 16. Rules for classified service; posting of rules.—

(1) Rules implementing a classified pay plan, leave and holiday policies, reduction-in-force guidelines, and procedures relating to hearings of the Civil Service Board which have general application to the classified employees under the board of county commissioners and constitutional officers shall be adopted and may be amended by vote of the board of county commissioners and constitutional officers. Each county commissioner and each constitutional officer shall have one vote. If there is a tie vote, the majority vote of the board of county commissioners shall prevail. The board shall adopt, amend, and enforce a code of rules and regulations for each taxing authority, providing for appointment, employment, and promotion in the classified service covered by the terms of this act, based on merit, efficiency, character, industry, and seniority.

(2) Reductions in force shall not be deemed to be dismissals subject to appeal to the board pursuant to section 21. No rules or regulations shall be adopted by the board which conflict with the terms and provisions of this act. Before any rule or regulation is adopted, a copy of the proposed rule or regulation shall be posted for a period of 5 days in conspicuous places of employee assembly, such places to be designated by the board. Any member of the administrative service or any representative thereof shall have the right to appear before the board to object or suggest amendments to such rules or regulations. Any rule or regulation adopted shall become effective upon the date specified therein. A copy of such rule or regulation shall be widely distributed by the staff of the board to the members of the administrative service within 5 days after the rule or regulation has been adopted.

~~(3) The rules or regulations, among other things shall provide:~~

~~(a) For the standardization and classification by taxing authority of all positions in the classified service of the county. Such classification in groups and subdivisions shall be based upon and sealed according to the qualifications, duties, and responsibilities required.~~

~~(b) For public notice of the time and place of all job application openings by advertising such openings in a newspaper of general circulation in the county, and by posting notices for a period of 10 days in conspicuous places of employee assembly. Places shall be designated by the board.~~

~~(c) For the rejection of the applications of persons who do not satisfy minimum job requirements, minimum age, or who have attempted deception or fraud in connection with any test or their application.~~

~~(d) For transfer within the Civil Service System.~~

~~(e) The board shall, at the request of the school board, provide for extensions of the civil service system to incumbents in positions which are presently unclassified (instructional personnel and administrative personnel only, as described in section 228.041(9) and (10), Florida Statutes); and the board shall have the authority to absorb the employees outside the normal recruiting procedures. Further, the board shall have the authority to provide credit for previous service of classified and unclassified employees.~~

~~(4) A seniority list shall be posted for each taxing authority, including all work years from the date of the initial employment of each employee. The board shall by rule establish procedures for determining seniority.~~

~~Section 17. Registers.—The following registers shall be established from the rating on an application and/or test results for the purpose of furnishing names of eligibles from which appointments or promotions shall be made:~~

~~(1) Promotional registers shall consist of the names of employees within the service who meet the minimum qualifications.~~

~~(2) Top of reemployment registers consisting of the names of former permanent employees who were laid off for lack of funds or lack of work, whose jobs were abolished, or who resigned for reasons of accident or illness of the employee or serious illness or death of a member of the employee's immediate family and who make application for reinstatement within a period of time to be specified by rule of the board.~~

~~(3) Reemployment registers consisting of the names of former permanent employees who resigned to seek or accept other employment, to seek elective office, or who for other reasons resign in good standing and make application for reinstatement within a period of time to be specified by rule of the board. The reemployment register shall also consist of the names of former seasonal employees who make application for reinstatement within a period of time to be specified by rule of the board notwithstanding attainment of permanent status.~~

~~(4) Employment registers consisting of the names of former employees who separated in good standing during probation or at the time of separation were on promotional registers for a higher class of position and make application for reinstatement within a period of time as specified by rule of the board and the names of all applicants who through open recruitment attain such minimum marks as may be fixed for the various parts of appropriate tests and the final rating is not less than the minimum fixed by rule. Registers shall be so arranged to promptly determine the names of all applicants who will accept full-time, temporary, seasonal, part-time, or other types of employment, at specific locations throughout the county.~~

~~Section 18. Rank on registers.—~~

~~(1) The names of persons on the reemployment and top of reemployment registers shall take rank in the order of a weighted score to be determined by rule of the board according to their performance evaluation and seniority at the time of separation.~~

~~(2) The names of persons on the employment registers shall take rank in the order of their combined ratings on their application and appropriate examination without reference to priority of time of test. Whenever subsequent examinations are held to obtain additional eligibles, the existing registers shall be consolidated with the new register by arranging the names of all eligibles contained thereon in the order of their final ratings.~~

~~(3) The names of persons on the promotional registers shall take rank in the order of their combined ratings on the application, appropriate examination, and seniority points without reference to priority of time of test. Whenever subsequent examinations are held to obtain additional eligibles, the existing registers shall be consolidated with the new register by arranging the names of all eligibles contained thereon in the order of their final ratings.~~

~~(4) All registers shall remain in force for 1 year from the register date of examination or application for reinstatement as the case may be, unless otherwise determined by the board to be nonfunctional.~~

~~(5) The name of any eligible person may, upon written request during the term of a register, be converted to a register of a lower class, provided the eligible person qualifies in every respect for the class of position to which conversion is sought. The eligible's name shall be ranked thereon according to the rating attained on the original examination.~~

Section 19. Filling vacancies in the classified service.—

~~(1) Vacancies may be filled by transfer, demotion, or certification from promotional, reemployment, or employment registers established for the various classes of positions.~~

~~(2) Vacancies in positions shall be anticipated insofar as possible in advance to permit the board to determine who may be eligible for appointment, or, if necessary, to establish a list of eligibles. If a new classification is necessary, sufficient time shall be allowed to prepare class specifications and insertion into the pay plans.~~

~~(3) Before filling a vacancy occurring in any class of position, whether permanent, seasonal, temporary, or otherwise, the appointing authority shall place a requisition with the board, listing the class title, identification of position, term of employment, cause of the vacancy, and other information deemed pertinent or necessary for the expeditious handling of the request. Substitute appointments will not require a requisition.~~

~~(4) Upon receipt of a requisition, the board shall process the appropriate register(s) and furnish the appointing authority the names of the highest five eligibles for appointment. Combinations of registers may be used in the aforementioned order to allow the appointing authority a choice of five applicants, if possible, from which to make an appointment. Applicants being certified for appointment shall be afforded the courtesy of an interview even though there may be less than five from which to make a selection.~~

~~(5) Registers shall be processed and eligibles referred in strict order of standing except where certain special qualifications for a particular position~~

have been requested and justified in writing as being job-related by the appointing authority and approved by the board. Referrals may be limited to those eligibles meeting the special qualifications required for successful performance in the position.

~~(6) The appointing authority shall promptly report the name of the eligible selected for appointment to the board in order that all requirements for medical examination, if any, may be satisfied prior to issuance of the official certification containing the name of the eligible selected.~~

~~(7) Appointments shall take effect upon the date the employee reports for duty after receiving an appointment, if retained by the appointing authority in accordance with selection procedures.~~

~~(8) No appointment, promotion, or reinstatement shall be deemed complete until after the expiration of a probationary period of 1 year for sworn law enforcement/corrections positions, and entry-level communications dispatcher positions. All other classified service positions shall serve a probationary period of 6 months. The appointing authority may terminate or demote the employee, if during the probationary service the appointing authority deems the employee unfit or unsatisfactory for service with the following provisions:~~

~~(a) Appointing authorities shall be required at the end of the first 3 months of probationary service to submit a performance evaluation of the probationary employee to the board. Such report, along with the termination of employment, shall serve as the basis for consideration by the board in determining whether upon removal, for reasons not discreditable, the employee may have his name returned to the register from which it was certified.~~

~~(b) All employees shall serve the required probationary period; however, when an employee is removed from a position during probation for promotion, that employee shall forthwith be returned to duty in the position held immediately prior to promotion unless such removal was for discreditable reasons, in which case the employee shall be entitled to a hearing before the board.~~

~~(c) Nonstatus employees removed from positions during their probationary periods shall not be entitled to a hearing before the board.~~

~~Section 20. Extraordinary appointments.—The following types of extraordinary appointments may be made in accordance with provisions herein described:~~

~~(1) PROVISIONAL APPOINTMENT.—Upon receipt of a requisition for applicants to fill a permanent position for which there is no appropriate register, or when the number of eligibles willing to accept appointments to a particular position is insufficient to allow the appointing authority a choice, the board may authorize filling the position by provisional appointment pending recruitment and certification. Such appointment shall remain in force only until the appropriate register has been established and certifi-~~

ation can be made for a maximum of 6 months. Applicants not meeting minimum qualifications shall not be permitted to serve in this appointment.

~~(2) EMERGENCY APPOINTMENT.—An emergency appointment is necessary because of an unforeseen condition or situation which is likely to cause loss of life or loss or damage to public property, such as a riot, hurricane, tornado, flood, or other disaster which requires the employment of extra personnel without delay. When an emergency of such nature occurs, the appointing authority may ignore all registers or the requirement to place a requisition to the board and may appoint as many extra persons as are necessary to remedy the condition at the rate of pay commonly paid for the types of service performed during such disasters. Immediate reports of such emergency appointments shall be made to the board, reciting the nature of the emergency, names of the appointees, and rates of pay promised. No emergency appointment shall continue for more than 1 month without approval of the board.~~

~~(3) TEMPORARY APPOINTMENT.—Upon request from an appointing authority to fill positions of a temporary nature, the board shall process the appropriate register for names of applicants who are willing to accept temporary employment. If there is no appropriate register, or the number of applicants who are willing to accept temporary employment is not sufficient to allow the appointing authority a choice in making such appointment, the appointing authority may fill the temporary vacancy without regard to normal certification procedures, in which case such appointments shall be immediately reported to the board. All such appointments shall be limited to a maximum period of 6 months. No temporary appointee shall be permitted more than one such appointment with the same appointing authority without a break in service of at least 30 days, unless the board is convinced that the stoppage of public business or inconvenience to the public is imminent. In such case, the board may authorize an extension to the appointment for a specified period of time beyond the maximum duration. No seniority credit shall be allowed for services rendered under a temporary appointment with the county, nor shall any benefits accrue, except these employees may be paid for holidays occurring during the period of appointment. A maximum of 45 days work experience credit shall be allowable. The acceptance or refusal of temporary appointments shall not jeopardize the rights of eligibles for permanent appointment.~~

~~(4) STUDENT APPOINTMENT.—Appointment of students on a part-time basis to established positions may be made without following normal recruitment or examination procedures. An appointee shall be a high school student or enrolled in a minimum of three courses toward a vocational certificate at an accredited vocational school or enrolled in six semester hours at an accredited college or university. No employee in this category may be appointed to any position which may be occupied by a classified employee under normal appointment procedures. No student shall be permitted to work over 1400 hours in any fiscal year. No employment shall continue beyond 90 days following the date on which the student no longer meets the minimum requirements of this section. Employees in the student category shall not gain status nor accrue benefits provided by this act.~~

Special pay provisions shall be adopted by the board for the purpose of standardizing pay among student employees of the various departments.

~~(5) LIMITED TERM APPOINTMENT.—Appointments to positions established under federal or state grant agreements may be made without following normal recruitment and evaluation procedures as determined by the board. Appointments shall, if possible, be made from existing registers of qualified applicants and all appointments shall be handled through the board in accordance with adopted rules. All persons employed under a grant agreement shall be informed as to the terms of the grant and shall agree to termination of employment upon expiration of the grant without right of appeal as in the case of abolishment of a permanent position. If a position established under a grant is absorbed into the regular service, the employee occupying such position may receive a permanent appointment without further qualifying in the required evaluation procedure if the initial appointment was on a competitive basis. Employees serving in grant positions shall be entitled to the same benefits and privileges as regular employees while employed except for the right of appeal on abolishment of position.~~

~~(6) SUBSTITUTE APPOINTMENT.—A substitute appointment is to replace a regular employee who is absent from work for a period of short duration not to exceed 45 workdays. It is not to be confused with a temporary appointment which may be used for the same or other purposes but for longer periods of time. Whenever possible, such appointments shall be made from lists of eligibles prepared in advance by the board and furnished to the appointing authority concerned. It is the intention by this provision to establish a practical and convenient method for furnishing large numbers of substitutes who may be needed on short notice when the business offices are closed. All such appointments made shall be reported to the board according to rules to be established by it for this provision. No permanent or seniority credit shall be allowed for service rendered under a substitute appointment nor shall any benefits accrue during the period of such short-term substitute service. A maximum of 45 days work experience credit shall be allowable. The acceptance or refusal of substitute employment shall not jeopardize the rights of any eligible for permanent appointment.~~

~~(7) SEASONAL APPOINTMENT.—Seasonal appointments to established positions, which require the services of an incumbent for certain parts of the year on a recurring basis, may be made in the same manner as provided for permanent appointments to year-round positions, except that both the appointing authority and the seasonal appointee shall agree to periodic lapses of employment at the end of each season without prejudice to reemployment at the opening of the next season. Seasonal appointees are not permanent and shall not be permitted year-round employment. Appointing authorities using this provision shall certify to the board their seasonal period.~~

~~(8) RETIREE APPOINTMENT.—The board shall establish rules governing such retiree appointments, the reports thereof, and any benefits which may accrue during the period of such after-retirement employment. Employees retired under the Florida Retirement System who are reappointed must comply with regulations established by the Florida Retirement System.~~

~~(9) TRAINEE APPOINTMENT.— The rules of the board may provide for the establishment of training programs, including programs designed to attract and use persons with minimal qualifications, but with potential for development, in order to provide career development opportunities for such disadvantaged groups as handicapped persons, returning veterans, older workers, or other minority group representatives as may be designated by the board. Training programs may also be developed to overcome a shortage of skills in the labor market. Such programs shall be strictly controlled by the board to prevent abuse of the merit system by limiting the number of and duration for such appointments; however, such programs may provide for permanent appointment to established positions upon satisfactory completion of the training period and qualification in the required examination and certification procedure. If given a permanent appointment, the employee shall receive credit for service rendered under the trainee appointment.~~

~~(10) WORKERS' COMPENSATION/DISABILITY APPOINTMENT.— An appointing authority may directly fill a vacant position both temporarily or permanently with an employee or ex-employee who has a disability that must be accommodated, or is a workers' compensation claimant from the appointing authority or another appointing authority within the Santa Rosa County Civil Service System.~~

~~The vacant position may be filled with such person without following normal recruitment, examination, qualifications, or certification procedures.~~

~~In order to be considered for a vacant position under this section, the employee must be unable to perform the essential functions of his or her former/present job duties with or without a reasonable accommodation due to an injury or disability.~~

Section 21. Suspensions, demotions, dismissals, and hearings.—

(1) Any appointing authority may demote, suspend, or dismiss a classified employee for cause upon filing with the board written reasons for such action and giving the person whose removal is sought reasonable notice of the same and of the basis for such action ~~charges preferred against him and an opportunity to answer the same orally or in writing and to file with the board affidavits in support of such answer. Probationary employees do not have appeal rights and shall be deemed at-will employees.~~

(2) Such action ~~charges~~ may be filed with the board no more than 10 days excluding holidays of the relevant taxing authority after the effective date of the disciplinary action, and if not received in the office of the board within 10 days excluding holidays of the relevant taxing authority of such action the employee will be reinstated and reimbursed for loss of pay and allowances. Such action may then be refiled by the relevant appointing authority. Thereafter, the employee shall have 10 days excluding holidays of the relevant taxing authority after the action ~~has~~ ~~charges~~ have been filed with the board within which to request a hearing before the board on such action ~~charges~~. If a hearing is requested by an employee the same shall be heard within a reasonable time thereafter.

(a) Any appointing authority may suspend a classified employee for a reasonable period not to exceed 30 working days pending hearing and decision. Every such suspension shall be without pay; provided, however, that the board shall have authority to conduct a hearing upon appeal by the affected employee for every such suspension and, in case of its disapproval, shall have power to restore pay to the employee for such suspended time.

~~(b) Notice of a dismissal may be in the form of a suspension without pay with recommendation for dismissal. If the dismissal is not upheld by the board, the employee may be reinstated to his former position with full pay and allowances or the board may sustain a suspension not to exceed 30 days if justified by the nature of the violation. The employee shall be paid or restored to any pay or benefits lost by virtue of any period of suspension not sustained by the board.~~

(3) Subject to the foregoing provisions of this section, no person in the classified service shall be demoted, suspended, or dismissed ~~removed or discharged~~ except for cause upon written action charges and after an opportunity to be heard in his own defense.

(4) The board may reinstate the person removed only in case it appears after a proper public hearing that the removal was made for reasons other than just cause.

(5) For the purpose of any hearing which the board is authorized or required to conduct, the board or any member thereof, or its designee, shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony.

(6) In case of failure of any person to comply with an order of the board, or a subpoena issued by the board or any of its members or director, or on the refusal of a witness to testify to any matter to which he may be lawfully interrogated, a judge of a court of competent jurisdiction in the county in which the person resides, on application of any member of the board or its designee, shall compel the person to testify or comply with said order or subpoena.

(7) The sheriff of any county shall serve such subpoena and shall receive the same fees as he normally charges for such service, and each witness who appears, in obedience to a subpoena before the board or a member or its designee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the civil courts of this state, which shall be audited and paid in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board.

(8) Notwithstanding any other provision of this act, all papers filed in the case shall be public records.

Section 22. Prohibitions.—

~~(1) No person shall deceive or obstruct any person in respect to his right of examination under the provisions of this act, or falsely mark, grade,~~

~~estimate, or report upon the test or standing of any person tested, or aid in so doing, or furnish to any person, except in answer to inquiries of the board, any special information for the purpose of either improving or injuring the rating of any person for appointment or employment.~~

~~(2) No applicant shall deceive the board for the purpose of improving his chances or prospects for appointment.~~

~~(1)(3) No public officer or employee shall use or promise to use his influence or official authority to secure any appointment or prospect for appointment to any position classified under this act as a reward or return for personal or partisan political service.~~

~~(4) A resignation executed previous to appointment shall be of no effect.~~

~~(2)(5) No person shall solicit orally or by letter for any political purpose, and no public officer or employee shall receive or be in any manner concerned in receiving or soliciting, any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose whatsoever.~~

~~(6) With the approval of the board only, salaries may be increased by the appointing authority. Such increase, however, shall not exceed budgetary appropriations or exceed the prescribed range for the position. Salaries may not be decreased without the approval of the board unless such decrease be general by taxing authority.~~

~~(7) The payment of any salary, wage, or other compensation for services to any person whose position comes within the classification provided in this act is hereby prohibited, unless such person is holding such position so qualified under the terms and provisions of this act.~~

~~(3)(8) No public officer or employee shall, by means of threats or coercion, induce or attempt to induce any person holding a position to take a leave of absence from duty, or to waive any of his rights under this act.~~

~~(4)(9) No position within the classified service shall be abolished for the purpose of removing the incumbent from holding such position, provided, however, that a position may be abolished if the need for the same shall cease. No reduction in class, rank or pay, nor any discharge, shall be effective except as provided by the provisions of this act.~~

~~Section 23.— Reduction in force; preferred eligible list.—~~

~~(1) When the appointing authority notifies in writing the board chairman or the director that there is an excess number of persons within a class of the classified service in any department, the board shall order the discharge of the excessive number of employees and the appointing authority shall enforce such order; provided that such order shall conform to the following procedure:~~

~~(a) The person who stands lowest in the class within the department so certified and lowest in seniority within that class shall be the first dis-~~

charged or reduced, and such system of reduction and discharge shall continue until the certified number of employees have been reduced.

~~(b) No discharges shall be made except discharges of those persons of lowest seniority in the lowest class of the department so certified.~~

~~(c) No reduction shall be made, except reduction of the persons lowest in seniority in the class certified to be reduced or in the lower succeeding classes.~~

~~(2) Any member reduced or discharged under the terms of this section and prior to his reduction or discharge had served his probationary period without reduction from such position, shall not be required to serve a second probationary period in the lower position.~~

Section 24. Political activity.—Any member of the classified service who chooses to run for any elective county or state public office shall, upon qualifying for such office, be immediately deemed to have temporarily terminated his employment as a classified employee and all pay and other benefits accruing under this act shall cease to run until such time as said employee is no longer a candidate for elective public office. In the event said employee is not elected to said public office, he shall be reinstated to his prior position without penalty except for the loss of pay and accrued benefits during the temporary suspension of employment. In the event said employee is elected to the elective office, he shall be allowed to resume his employment within the classified service only for that period of time following the day of his election until the date he assumes said office, at which time his employment within the classified service shall terminate.

~~Section 25. Reports of personnel actions by appointing authorities.—Reports in writing shall be given to the board by the appointing authorities of all appointments, reinstatements, vacancies, absences, or other matters affecting the status of position or the performance of duties of officers or employees classified under the provision of this act.~~

Section 26. Records.—The records of the board shall be open to public inspection by any citizen under reasonable supervision in accordance with the laws of this state.

Section 27. Severability.—

(1) The provisions of this act shall be severable, and if any of the provisions shall be held unconstitutional, the decision of the court shall not affect the validity of the remaining provisions.

(2) This act shall not be held or construed to create any property rights or any vested interest in any office, position, or employment, and the right is hereby reserved to repeal, alter, or amend this act or any provision thereof at any time.

~~Section 28. Service in the armed forces.—The board shall adopt rules to provide reemployment protection for personnel inducted involuntarily into the armed service of the United States of America in accordance with applicable state and federal statutes.~~

~~Section 29.— Annual, sick, emergency leave; leave for injury on the job in the line of duty.— The board shall provide by rule the hours of work for classified employees by taxing authority and shall establish by taxing authority procedures for accumulation of leave whether annual, sick, emergency leave, or leave for injury on the job in the line of duty. To determine the initial leave policies and hours of work for classified employees by taxing authority, the board shall make a determination of the policies of each taxing authority as of the effective date of this act, and the board shall provide policies by rule for each taxing authority separately which will ensure that the classified employees in each taxing authority shall receive no reduction in leave or leave accumulation nor greater hours of work without increased compensation than they had on the effective date of this act.~~

~~Section 30.— Examination, physical or mental or both.—~~

~~(1) All members of the classified service are subject to the rules and regulations of the board, but shall not be required to submit to any examination, physical or mental or both, except for the following reasons or purposes:~~

~~(a) Promotion or employment.~~

~~(b) Application for disability retirement.~~

~~(c) Request of two coworkers or the appointing authority for examination to determine if the safety of other employees could be affected by any physical or mental failure by one employee. Such request if made by two coworkers must be approved by the department head.~~

~~(2) When an examination is required and the examination results in a recommendation of the county physician that the employee is unfit for duty, the employee shall have the right to employ his own physician to examine him, provided, that if the county physician and the employee's physician disagree, a third physician shall be employed by the county.~~

~~(3) In the event of the retirement for illness, injury, or disability of any member of the classified service under pension or title provisions, or under the provisions of this act, such illness, injury, or disability shall be certified to the board by the county physician; provided that the employee may consult a physician of his own choosing to collaborate with the county physician in determining the disability; but in any event, the findings of the county physician shall be final and the board shall accept the same. However, when disability retirement, or request for the same as a result of a forced examination, as provided in paragraph (1)(c) is involved, then the board shall accept the findings of the two physicians who are in agreement.~~

~~Section 31. Enforcement.—~~

~~(1) The chairperson of the board shall supervise the execution of the provisions of this act and of the rules made. All persons in the service of the county shall comply with such rules and aid in their enforcement.~~

~~(2) Any taxpayer in the county may maintain an action to recover for the county any sum of money paid in violation of the provisions of this act or the~~

~~rules made hereunder, or to enjoin the chairperson of the board from attaching a certificate to a payroll or account for service rendered in violation of this act or the rules made. The rules made under the provisions of this act shall for this and all other purposes have the force of law.~~

Section 2. This act shall take effect July 1, 2002.

Approved by the Governor April 24, 2002.

Filed in Office Secretary of State April 24, 2002.