

Review Of
The Escambia and the Hillsborough Civil Service Boards
with the
Escambia County Human Resources Proposed
Merit System Protection Board

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Introduction

In support of Escambia County Charter Commission's request for information, a review of the rules and regulations of the Civil Service Boards of Escambia County and Hillsborough County, along with a comparison of these rules and regulations with the proposed adoption of a Escambia County Merit System Protection Board was conducted by the Whitman Center.

The review is based on the Escambia County Civil Service Act, the proposed Escambia County Civil Service rules, Hillsborough County's official Civil Service rules, and the draft proposal of the "*Adoption Of Merit System Protection Board*" provided to the Charter Commission by Escambia County's Human Resource Department. The following is a breakdown of the specific law and rules under review: 1) Pay Plan; 2) Classification Plan; 3) Eligibility List; 4) Political Activity; and 5) the System Funding.

In most cases, not every section of each law or rule is provided. The study looked at those areas which directly address the Board or authority's responsibilities in conducting day-to-day human resource operations. When an area of interest was found to be lacking in the appropriate Board's rules, the controlling Civil Service Law was used.

This document is divided into two sections. The first section includes comments and observations about civil service laws, rules and proposals. It compares the current Escambia County Civil Service Law and Proposed Rules with both the Hillsborough County Civil Service Law and Rules and the proposed Escambia County Human Resource (HR) Plan as presented to the Escambia County Charter Commission. It is hoped that by comparing all three systems, a perspective can be gained with regard to each system. It might also be added that Hillsborough County is chartered and it has retained its existing civil service system.

It is hoped that this comparative view can provide some perspective on differences in personnel or civil service systems in operation today.

Comments and Observations about Civil Service Laws, Rules and Proposals

I. Structure of Civil Service Boards

Comments:

1. The Escambia and Hillsborough Civil Service Plans are for multiple appointing authorities. Although the Escambia HR plan might be thought of as general enough to include other appointing authorities, the plan is basically written, and rightly so, with the BCC as the final authority for appeal and decision, and thus, in its current form it might be unacceptable to other Constitutional Officers such as the Sheriff. None of the plans include the local school district.
2. There are differences in the size and selection of the various boards, with the Escambia Civil Service Board (5 members) and Hillsborough Civil Service Boards (7 members) being appointed by the Governor with Senatorial confirmation and the Escambia HR Plan having the board (7 members) appointed by a combination of the County Commission and employees in a 5:2 ratio. So, the BCC appointees should be able to control decisions of that board. That might raise a question about independence.

II. Discipline, Grievances, and Appeals

Comments:

1. A major component of any civil service system is an separate appeals board. All three plans establish such a board. The Merit System Protections Board, established in the Escambia HR Plan, has the major decision responsibility with regard to employee appeals. Otherwise, the Merits Systems Protections Board is advisory to the BCC as the final appointing authority.
2. A major positive component of the Escambia Civil Service Board is its use of alternative dispute resolution (ADP) or mediation to resolve grievances. On the other hand, a disadvantage is that it apparently by-passes supervisory authority to involve the civil service board almost immediately in the grievance/appeal process. Both the Escambia HR Plan and the Hillsborough Civil Service Board route appeals through the supervisory levels of the chain of command.
3. Another interesting point is the differences in speed of the various plans. Calendar days and working days can vary a great deal, depending on when an action is taken. Five calendar days can be three work days, or five. Ten calendar days can be eight work days, or only six. So, depending on when an action is taken and the relative speed with which an employee might respond, or be able to find representation, could have a great impact on the outcome.

III. Pay Plan

Comments:

1. The Escambia HR plan is written largely for one appointing and budget authority—the BCC—thus, there is little need for a pay plan policy. The Escambia Civil Service plan is designed to establish a single pay plan for all the appointing authorities that are now included. This is based on the principle that a single pay plan promotes external equity between those agencies and thereby reduces “job-hopping” between them. Other than the specific appointing authorities in the plan, there are other county constitutional offices and the school board, which are no longer covered. There are also other governmental appointing authorities, like the City of Pensacola or Santa Rosa County government that are not restricted by the single pay plan. Additionally, several positions, such as clerical, have corollary private sector jobs. So, whatever the original value of a single pay plan, it has probably diminished over the years.
2. Second, the Escambia Civil Service Pay Plan allows appointing authorities to impact different budget authorities. Essentially, the Board of County Commissioners and the Escambia County Utilities Authority are the only budget authorities that can raise revenues. In essence, they must raise money to pay any adjustments to the plan. It is now conceivable that the ECUA board members, along with the Sheriff and the Supervisor of Elections, could vote to adjust the pay plan and, consequently, the taxes needed to support the plan. The Hillsborough County Civil Service, on the other hand, allows the pay plan to be set by each budget authority based on its projected revenues.
3. Obviously, not having a uniform pay plan for the whole county allows some appointing authorities the ability to grant bonuses to their employees, if they have extra revenues toward the end of the year.
4. Finally, the Escambia Civil Service Plan has built-in longevity raises and the possibility that an appointing authority other than the BCC can grant raises up to ten percent. While these additions are perfectly valid additions for a number of noble reasons, the fact that they are prescribed by law could serve to impact budget authorities as well. They could be forced to pass on tax or rate increases directly to the payer. While performance-based merit raises serve to distinguish between the efforts of various employees, when a new classification study is conducted (which tends to ignore actual job performance) those previous raises will tend to pressure the pay upward for all employees in the class.

IV. Classification Plan

Comments:

1. Position classification, by any number of data gathering methodologies, is a process that essentially entails assigning a number to a job description for pay purposes. Pay is usually allocated based on some combination of the knowledge, skills, and abilities or the “training and

experience (T&E)” required for a particular position. In theory, job analysis leads to a job’s classification, which in turn, then determines the pay for that position. In reality, however, position descriptions are often written to make the particular job or position pay what is desired. So, the pay level needed to attract or to satisfy particular individuals becomes a tension in any system. The principle function of classification systems is “internal equity,” which would reduce the dissatisfaction that employees might have when cohort employees are paid higher wages for doing essentially the same job or the same pay for a much simpler or easier task.

2. One result of a classification study is to reduce the number of jobs or positions into a much smaller number of classes for pay and management purposes. It is usually not long, however, before “re-classification” becomes a serious game for getting pay increases, especially when pay plans do not keep up with the cost of living or merit based evaluation systems are under-utilized. As re-classifications occur, the number of different classes begins to approximate the total number of positions, and that is why classification studies generally need to be conducted about every five years or so.

3. While basically similar, the classification system is the responsibility of the executive to the civil service board in Escambia and Hillsborough in those civil service systems, but the HR Director in Escambia (who reports through the Administrator to the BCC) establishes and monitors the system in the Escambia HR Plan. In Escambia and Hillsborough, the classification system is approved by the civil service board. In the Escambia HR Plan, the system is approved by the Board of County Commissioners/Appointing Authority (ies).

4. Re-classifications are done between each new overall classification study. The Hillsborough County civil service rules specify what they are for and what they are not. According to those rules, a reclassification is justified when there has been a significant, permanent change in duties and responsibilities in a qualitative manner. A re-classification would not be justified when there were temporary changes or changes in the quantity of effort or to recognize excellent performance in a given year. They should not be used as merit pay or a pay raise for an otherwise deserving employee. Who can initiate a re-classification provides interesting insight into these systems. In Hillsborough County, an appointing authority may request a re-classification and it must be approved by the civil service board. The Escambia HR Plan provides that recommendations would be made by the HR Director (an employee of the BCC) to the Merit Systems Protection Board. Then, it somewhat misstates that the Merit System Protection Board has the authority “to approve or disapprove actions for reclassification” but subsequently, the Board of County Commissioners/Appointing Authority can “approve or disapprove” their “recommendations.” So, eventually, the appointing authority or the BCC will decide. In the Escambia Civil Service Plan, on the other hand, a re-classification may be initiated by an Appointing Authority, by an employee in the classified service, or by/through the Civil Service Executive Director. The Executive Director then sends a recommendation to the Civil Service Board. In this system, an employee could initiative a re-classification and the Civil Service Board could approve the re-classification against the wishes of the appointing authority. By comparison, in the Escambia HR plan a re-classification could be initiated by the BCC’s HR Director before it comes to them for approval, while in Hillsborough, the appointing authority recommends and the Civil Service Board approves or disapproves of reclassification requests.

V. Certification of Eligibles

Comments:

1. Eligibility lists are a long-term commodity of civil service systems to promote fairness for the general population. Especially during the “paper-and-pencil” examination days, it was more efficient to examine a larger group of individuals eligible for one class of jobs and then to have that list serve all the class of positions in a large governmental organization that had many similar positions to be filled over a relatively short period of time. This process tended to make government employment somewhat mysterious, since applying for a position on a roster or eligibility list was not the same as applying for a job. Hence, a winning political candidate, who becomes and appointing authority, could not immediately inundate a system with his or her supporters (a spoils system) if those supporters were not already on the list certified as eligible for employment. Similarly, if a person with great talent and ability were available for government employment (perhaps a recent graduate), it may take a year or more to get placed on the list of eligibles for a given position.
2. The original model at the federal level invoked a “rule of three,” with the appointing authority given the top three names on the list of eligibles from which to interview and select the most preferable candidate. Because of civil rights complaints during the ‘60s and ‘70s, the rule of three was dropped for giving the appointing authority the entire list of eligible candidates from which to select. Questions were raised during those times as to whether having higher than the minimum test scores, years of education, or years of experience really made a candidate “more eligible.”
3. Both the Escambia and Hillsborough Civil Service systems forward the entire eligible list to the appointing authority for selection. The Escambia HR Plan is similar, but it apparently establishes four priorities of eligibles, ranging from prior employees who have been laid off, to those eligible for promotion or transfer, to previous satisfactory employees, and finally to all other applicants. An appointing authority can only select from a lower category with specific written approval of the HR Director. Under this system, prior employees who may have left county employment for any of a variety of reasons would have a higher priority than new applicants. This would serve to make it even less likely that new employees could be hired by Escambia County government.
4. The Escambia Civil Service System is the only one to provide specifically for selective certification. Selective certification occurs when a job’s description is so unique that it does not fit within the traditional selection criteria. Hence, that unique candidate could be selectively certified. In the past, creative job descriptions have provided a “loophole” for candidates who were not on the register or did not want to compete for positions.
5. Finally, if there was one complaint about the Escambia Civil Service System repeated by the various appointing authorities with regard to civil service it was the length of time that the list of eligibles could remain certified. Obviously, many of the “most qualified” candidates on a list

would have found other employment by the end of a year, and thus, appointing authorities complain that while the individuals remaining on the list may be eligible, they are also the ones passed over during previous months of position filling. The complaint was that the Escambia Civil Service Board maintained eligibility lists for up to two years. While that may have been so in the past, both its recommended rules and the Escambia HR plan can maintain a list of eligibles for a year with a possible extension. There is, essentially, no longer any significant time difference between the two plans with regard to how long a list of eligibles would remain certified.

5. The Hillsborough Civil Service Law used to require purging the list every six months, but that has been changed to “by rule.” Each list of eligibles would still likely be renewed more rapidly than one year. There is always a balance to be maintained between the management interests of running an organization and fairness to all the county’s citizens in terms of an open and competitive process. In a computer age, processing information in the hiring process is much easier than it was half a century ago.

VI. Political Activity Limitations

Comments:

1. The original objective of civil service systems was to minimize political intrusion into the operations and management of governmental organizations. Prior to the adoption of such systems, it was common for government employees to be required to contribute to parties and candidate campaigns to keep their positions. Generally, the Hatch Acts of the 1930’s protected employees from the requirement to support political parties or candidates. Subsequent court cases further limited the use of political party in retention decisions by elected officials unless they could show that political party affiliation was a *bona fide occupational qualification* (BFOQ). So, today, civil service systems as well as law/court decisions have served to minimize the use of political party/candidate support in personnel decisions. Even so, government employment is still based a lot on “who you know” vs. “what you know.”

2. In comparing the three systems, the Escambia Civil Service Law/Rules are the least restrictive, merely saying that state and federal laws should be followed. The Hillsborough Civil Service system would make resignation a “requirement to run” only when seeking the office of one’s supervisor, such as a deputy sheriff running for the office of sheriff. In the Escambia HR plan, anyone running for elected office would be required to resign their position with the county, but given the other rules, if that person were a prior “satisfactory” employee then he or she would be a higher priority for re-employment if such a position became available.

VII. Budget Resources

Comment:

Since the first attempt in 1868 to establish a U.S. Civil Service Commission, one way budget

authorities (usually elected) have minimized the impact of civil service systems is simply to starve them for revenues. Consequently, both Escambia and Hillsborough Civil Service systems have a specified budget based on the payroll of classified employees. Obviously, the Escambia Civil Service takes a higher toll than Hillsborough. Presumably, the Escambia HR Plan would be even less expensive since only the reasonable expenses of board and its Director would be added to what is or likely will be in place. The Hillsborough toll is .65% of the pay for each classified employee, while the Escambia Civil Service “charges” 1.4%. Escambia has had some elected appointing authorities and the school board drop out, but they were somewhat replaced by ECUA. The total Hillsborough Civil Service budget for 2003 was \$2,211,191, while the corresponding amount for Escambia Civil Service was \$1,115,334. If you divide those totals by the number of employees in each system, the cost in Hillsborough for providing personnel services to 10,690 employees is \$206.85, while the cost in Escambia Civil Service for 2,797 employees is \$398.76 per employee. So, while the overall cost of civil service is about twice as high in Hillsborough County, it is nearly twice as great in Escambia per employee than it is in Hillsborough. Whether employees in Escambia get more or better services is beyond the scope of this particular review.

Overall Comments:

1. Civil Service systems are designed to provide duplication and “balances of power” to governmental organizations. They are, by design, more costly and less efficient than an organization without such overlap, but they do tend to reduce political intrusion into government management and to produce a fairer system of employment for all of a jurisdiction’s citizens. It is mostly a matter of how much “balance of power” (largely between elected appointing authorities and the county’s citizen/owner employees) that you think is necessary and how much expense you are willing to bear to secure it.
2. The current Escambia Civil Service System would appear to be the most employee “friendly” and the least appointing authority “friendly” of the three systems. It is more balanced toward the employees. The Escambia HR Plan is written largely for one appointing authority and, largely with some review by a Merit Systems Protection Board, it defers most major decisions to that authority—the Board of County Commissioners. The Hillsborough Civil Service System falls somewhere in between.
3. There is no perfect personnel or civil service world. In democratic political systems, where key actors (politically elected appointing authorities) are changed by design, the relative effectiveness of any system will be a function of who is involved. One way to minimize the ebb and flow of effective personnel relations is to have a very detailed working document, contract, or law, which would specify clearly the roles, authority, responsibilities and limitations of all the actors. The Hillsborough County Civil Service Law and Rules is very detailed in this regard.

Provisions of the Civil Service Laws, Rules, and Proposals

I. Structure of Civil Service Boards

	<u>Escambia</u>	<u>Escambia HR</u>	<u>Hillsborough</u>
Members:	5	7	7
Appoint/Select:	Governor/Senate	5 by County Com. (BCC) 2 By Employees	Governor/Senate
Terms/Yrs:	4	2	4
Scope:	BCC/ECUA/Sheriff/ Supervisor of Elections/ SRIA	BCC	*

* The provisions of Hillsborough County Civil Service Act apply to all classified personnel employed by the following agencies or authorities within the County: the commission, county administrator, clerk of the circuit court, supervisor of elections, property appraiser, tax collector, sheriff, environmental protection commission, aviation authority, port authority, planning commission, public transportation commission, expressway authority, law library, legislative delegation, soil and water conservation district, civil service board, sports authority, children's board, county attorney, arts council, victim assistance, and any other agency or authority not expressly exempt from this act. Each municipality in the County, the judiciary, and the District School Board of the County are expressly exempt from this act until and unless each executes an inter-local agreement with the Civil Service Board pursuant to general law. Positions within the Administrative Office of the Courts which were classified as of January 1, 1998, and which are funded by the County are subject to section 13 of this act.

II. Discipline, Grievances, and Appeals (See Attached Matrix For Comparison of Discipline and Grievance Procedures)

A. Escambia County Civil Service Board

EMPLOYEE RIGHTS (Law)

The employment of any career Civil Service employee may be terminated only for cause, lack of work or lack of funds by the official body or agency by whom or by which the individual was employed.

Any employee in the classified service not subject to the provisions of the Federal Hatch Political Activities Act, as amended, 5 U.S.C. 1501-1508, may, if requested in writing by the employee authority and approved in writing by the appointing authority and the Civil Service Board, be granted leave of absence without pay not to exceed four (4) months for purposes of seeking an elective public office. Such leave shall commence prior to the employee having qualified as a political candidate.

DISCIPLINARY ACTIONS, APPEALS, AND GRIEVANCES (Proposed Rules)

Commencement of Action

An action by an appointing authority to discipline an employee shall be commenced by filing in the office of the Board such action and serving a copy of such notice upon the employee against whom the action is taken.

Notice of Disciplinary Action

Notice of the disciplinary action of an employee in the classified service shall state in writing the nature of the action taken, the effective date of the action and, if a suspension, the duration thereof. Such notice shall specify the date, time, and place (where applicable) and nature of the violation or misconduct charged in sufficient detail to provide the employee an opportunity to prepare a defense. The appointing authority, or the authorized representative thereof, shall sign such notice. Said notice shall be filed with the Board no more than *ten (10) calendar days* after the effective date of the action. Failure to notify within the deadline may be cause for dismissal as determined by the Board.

Appeal by Employee to the Board, Right to Appeal, etc.

(a) Verbal and written reprimands are not appealable. As a result of a disciplinary action, an employee who has been suspended, suffered a reduction in pay and/or classification, or has been dismissed by his appointing authority, and who has been duly appointed to such position in accordance with the Act and these Rules, and who has attained status by serving the required probationary period, shall have the right to appeal such disciplinary action to the Board.

To appeal, the **employee shall, within ten (10) calendar days** after the charges are filed with the Board, or after the date of service upon him of notice of such disciplinary action, whichever is later, file his appeal in writing to the Board.

Amendments to Charges and Specifications, New Charges, etc.

(a) In disciplinary actions in which an appeal has been filed, no amendments to the charges and specifications filed or the action taken or recommended against an employee shall be made more than *ten (10) calendar days* after the effective date of the suspension or dismissal, unless the Board upon good cause shown permits the filing of the amendment or unless the employee against whom the action was taken so stipulates in writing.

(b) When no appeal has been filed by an employee who has been suspended or dismissed, any amendment to charges and specifications or the action taken or recommended against the employee shall be filed in the office of the Board and shall be served upon the employee in the same manner required for service of the original notice of disciplinary action. The employee shall have *ten (10) calendar days* after such amendments are filed with the Board or after service upon him of such amended charges, whichever is later, within which to appeal the amendments.

Date of Hearing, Notice, etc.

(a) When the action of an appointing authority is appealed by the employee against whom it is taken, the Board shall set a date, time, and place for the hearing thereon and so notify the appointing authority and the employee.

(b) Notice of such hearing may be served upon the appointing authority. Notice to the employee shall be by hand delivery or certified mail to the address of record in the office of the Board.

Employee Grievances

The policy of the Board shall be to hear and consider employee grievances promptly and fairly. Any classified employee who is personally, directly and adversely affected in his employment by the failure of his appointing authority or its representative to comply with specific requirements of the Act or Rules, may file a grievance and request a hearing before the Board.

To initiate such grievance procedure, the employee shall file a written complaint in the office of the Board, a copy of which shall be served upon the appointing authority or its authorized representative, which shall state in separate counts of the complaint each specific violation of the Act or Rules alleged, including the date, time and place of such violation and shall also state how such alleged violation is personally and directly, adverse to the employee. Upon receipt of the grievance, the Board shall review the separate counts and determine which counts properly allege violations of the Act or Rules which adversely affects the employee. **The Board shall set a date and time for a hearing upon those counts in the grievance properly alleged and shall notify the employee and the appointing authority.**

Personnel matters for which other appeals procedures are provided in these Rules are not subject to review as grievances.

B. Escambia County Human Resources Merit Board Appeals and Grievances

Right of Appeal: A classified employee may appeal, in accordance with these Merit Rules and Regulations, any official action which involves demotion, suspension, dismissal, or alleged unlawful discrimination, with the Merit System Protection Board serving as final administrative authority regarding these actions. A classified employee may appeal, in accordance with these Merit Rules and Regulations, any official action involving a reprimand to the Human Resources Director and/or the Executive Administrator who shall serve as final administrative authority

regarding these actions. After providing a reasonable opportunity for all interested parties to be heard, the Board shall render a decision, which shall be appealable as provided by law.

Any applicant for a position in the Classified Service can appeal to the Merit System Protection Board the decision of the Human Resources Director for an alleged error in rating a test or examination procedure. Prior to appealing the decision to the Merit System Protection Board, the applicant should first attempt to resolve the grievance with the Human Resources Director.

Any applicant, probationary employee, or regular status employee may appeal to the Merit System Protection Board if the applicant or employee believes that employment discrimination or sexual harassment occurred against said applicant or employee.

Appeal Procedures for Employees in the Classified Service: *All appeals must be submitted in accordance with these Merit System Rules and Regulations.* The following enumerates the official steps of formal appeal for employees in the Classified Service. These procedures are applicable when employees wish to appeal any action described in Section 220.000. ***An appeal may be made to the Supervisor, Department Director, and the Human Resources Director, the Executive Administrator, and the Merit System Protection Board.*** The procedures for filing an appeal are as follows:

1. A formal grievance appeal identifying the specific Merit Rule which is alleged to have been violated as well as the remedy sought will be initiated in writing by the employee directly to the supervisor or the official who took the action being grieved ***within 5 calendar days*** from the date the employee received notification of the action being appealed. The official who receives the grievance will meet with the aggrieved employee ***within 5 calendar days*** of the official's receipt of the written grievance. If the grievance cannot be resolved by the official, the employee may appeal the decision to the official's immediate supervisor ***within 5 calendar days*** of the employee's receipt of the official's decision. At any time in the appeal process, if the employee receives no response ***within 5 calendar days***, they may move to the next level in their management chain or chain of command, and so on through the Department Director.
2. It shall be the duty of the ***Department Director to meet with the aggrieved employee within 5 calendar days of receipt of the written grievance statement and attempt to resolve that grievance.*** The Department Director shall determine either that the grievance will be denied or that corrective action will be taken. The Department Director shall state the determination and reasons therefore in writing, and shall transmit a copy of that statement to the employee ***within 5 calendar days of the meeting between the employee and the Department Director.***
3. If the Department Director determines that the grievance is denied, or if the aggrieved employee is not satisfied with the corrective action taken by the Department Director, ***the aggrieved employee may then appeal the action of the Department Director to the Executive Administrator.***
4. In the event an employee desires to appeal the action of the Department Director, the aggrieved employee shall submit to the Executive Administrator, ***within 5 calendar days*** of receipt of the decision of the Department Director:

- (a) A copy of the employee's written grievance statement; and
- (b) A request for review of the grievance by the Executive Administrator.

5. The ***Executive Administrator shall schedule a meeting within 20 calendar days of the date of receipt of the request for review.*** The Executive Administrator, the employee and/or a designated representative, the Department Director, and/or designated representatives shall attend the meeting for the purpose of reviewing the grievance. This meeting shall be closed to the public and shall not be recorded. The Executive Administrator has the authority to grant postponements at his/her discretion. If either party fails to appear, the Executive Administrator has the authority to conduct the meeting with all parties not being present. ***Within 20 calendar days of the date of the meeting, the Executive Administrator shall render a recommendation in writing to the employee or the employee's authorized representative and shall send a copy of the recommendation to the employee's Department Director and to the Human Resources Director.*** If during the course of an Executive Administrator's meeting, questions arise which cannot be answered by those present or additional documentation is needed, the Executive Administrator may elect to keep the record open for a specified period of time (in most circumstances not to exceed 20 days unless the Executive Administrator finds that more time is warranted to protect the rights of the parties) from the date of the meeting. During this time period, additional documentation may be submitted to the grievance file, with copies of same provided to all parties. Upon receiving additional information, the Executive Administrator may schedule further meetings. The Executive Administrator shall withhold making a recommendation until the record has been closed.

6. ***The Executive Administrator shall serve as the final administrative authority on grievances of official reprimands.***

7. For all other grievances, if an employee is still aggrieved, an appeal may be made to the Merit System Protection Board in writing ***within 5 calendar days*** of the date the employee receives the Executive Administrator's recommendation. Any appeal received after that date may be rejected for untimely filing. The employee's appeal shall include notification as to whether the employee will be represented by counsel and, if so, include the name and address of counsel. Failure to include this notification may result in postponement of the hearing. The Executive Administrator shall schedule a hearing before the Board and shall send copies of the hearing notice to the employee or representative and Department Director and/or representative. The hearing notice will include instructions to both parties to exchange documents prior to the hearing. ***The Merit System Protection Board shall, within 30 calendar days after receiving such an appeal, or as soon as practical thereafter, hold a hearing and consider the grievance.***

Employee Protection and Remedies: No supervisor shall deny any employee the right to take the complaint to the next step in the grievance procedure when it cannot be settled to the satisfaction of the employee at the lower level. Should such a denial occur, the employee shall be entitled to continue the grievance, based on the denial, to the next step of supervision.

C. Hillsborough County Civil Service Board:

APPEAL HEARING PROCEDURE

(1) The practice and procedure of the board with respect to an appeal hearing authorized by this act shall be in accordance with adopted rules.

(2) The board shall make every reasonable effort to hear any timely filed appeal of demotion or dismissal *within 30 working days* after receipt of notice of appeal unless an extension of time is requested by the employee or the appointing authority. *At no time may an appeal hearing be delayed beyond 60 calendar days without the consent of both parties.*

Review of Any Action: An appointing authority or employee may appeal to the Civil Service Board for review of any action taken or directive given by the Civil Service Board Director in the name of the Board. All appeals must be presented in writing and must state all relevant facts, and shall be filed with the Director of the Civil Service Board *within thirty (30) calendar days* of the date of the announced decision. Any act of the Civil Service Board Director, or any other employee of the Board, shall be subject to abrogation, reversal, or modification by action of the Board.

Processing Requirements:

(1) The affected employee, or a designated representative of the employee, may initiate a grievance by filing the CS Form 6A to the most immediate supervisor within the time provided in CS Rule 14.2c(1) below. If the matter pertains to the misapplication of Civil Service Law or Rules, or a violation of the Appointing Authority's policies, the employee must cite the specific law, rule, or policy that he or she believes has been violated.

Time Limitations:

(1) The initial grievance must be filed with the immediate supervisor *within five working days or one calendar week*, whichever occurs later, following an occurrence of an incident, or the most recent occurrence of any series of related incidents upon which a grievance is based.

(2) Upon receipt of the decision provided in any step, the grievant, or his or her designated representative, shall have *five working days, or one calendar week*, whichever occurs later, to appeal to the next higher level of management in the grievance process, including the Civil Service Office. Likewise, except as provided for in Civil Service Rule 14.2c(3) below, each level of management shall have *five working days, or one calendar week*, from receipt of the grievance to respond to the employee. In the event that management at any level fails to respond in a timely manner, the grievant may appeal to the next step. The time limits specified herein shall be tolled in cases where the grievant or management official is unavailable due to an authorized absence.

(3) Grievances forwarded to the Agency Head, or his or her designated representative, shall be responded to *within ten working days, or two calendar weeks*, whichever occurs later, unless the grievant and the Agency Head, or their designated representatives, are then jointly engaged in seeking a suitable solution.

(4) The time periods specified herein begin on the day following receipt of the grievance. Should the final period end on either Saturday, Sunday, or Hillsborough County designated legal holiday, the period shall be extended until the end of the next day which is neither a Saturday, Sunday, nor Hillsborough County designated legal holiday.

Scheduling of Formal Grievance Hearing:

a. *The Civil Service Board shall make every reasonable effort to hear any grievance as soon as possible consistent with other Civil Service matters and priorities.* The Director shall serve notice(s) of the time, date and location of the Pre-Hearing Conference and subsequent grievance hearing. The Director's notice regarding the granting of a hearing shall take into account other Board matters and priorities.

b. Any request for enlargement of deadlines or continuance or rescheduling of a grievance hearing must be submitted in writing with full justification by the grievant or Appointing Authority so as to reach the Civil Service Office by the end of that business day which is five working days prior to the hearing date. All such requests, whether or not prepared and signed by counsel or other representative of the party, must be signed by the grievant or the Agency Head. This signature requirement cannot be delegated.

c. Continuances and extensions will be granted only upon a showing of good cause. The first request for extension of any deadline, or continuance or rescheduling of a grievance hearing or pre-hearing conference, may be granted by the Civil Service Board Director. The second request may be granted by the Civil Service Board Chairman, or, in his or her absence, the Board Vice-Chairman. Any further request for continuance or rescheduling, or any request received after the *five working days* stated above, shall be presented in person by the employee, the Agency Head, or their respective representative, to the Board when it next convenes and the same shall be granted by the Board only upon a showing of good and compelling cause.

Employees Eligible for Appeal Hearing: Any classified employee who has satisfactorily completed the required initial probationary period, and is thereafter involuntarily demoted for cause, suspended, or dismissed from employment, may request a formal hearing before the Hillsborough County Civil Service Board to appeal said action. Request should be made by providing the information indicated on Civil Service Form 5A. [CSL Section 11(4)]

b. Employees Not Eligible for Appeal Hearing:

(1) An employee who has not satisfactorily completed the required initial probationary period

shall have no right to a Pre-disciplinary or Administrative Due Process hearing, or to an appeal hearing before the Civil Service Board.

(2) Unsuccessful completion of the required conditional probationary period following promotion through the Closed Promotional process is not appealable to the Civil Service Board. [CSL Section 10 (2)]:

(3) Employees not holding a classified position shall not be eligible for an appeal hearing. This shall include any employee within the Administrative Office of the Courts (Court Administrator) who holds a position which was not classified as of January 1, 1998, and funded by Hillsborough County Board of County Commissioners.

c. Members Covered by Collective Bargaining Agreements: Classified employees who are members of a bargaining unit shall be allowed to appeal any single action through either the provided collective bargaining appeal procedures or the Civil Service Board appeal process. Once an appeal is initiated in either process it shall be resolved in that process. [FS 447.401]

d. Employee Rights During Appeal Hearing: During the appeal hearing, the employee initiating the appeal shall have the right to be heard publicly, to present evidence, to cross examine, and to be represented by legal counsel, or an individual of their choice. In all cases, the employee shall be responsible for any and all expenses that they may incur in these proceedings.

Request for Appeal Hearing:

a. The request for an appeal hearing must be *received by the Civil Service Office within ten (10) calendar days from the official date of receipt of CS Form 5 [Notice of Employment Suspension, Involuntary Demotion for Cause, or Dismissal]*. The ten day period begins on the day following receipt of CS Form 5. Should the final period end on either Saturday, Sunday or Hillsborough County designated legal holiday, the period shall be extended until the end of the next day which is neither a Saturday, Sunday nor Hillsborough County designated legal holiday. Receipt of CS Form 5 will have been effected under the following conditions: [CSL Section 11(4) and Rules of Civil Procedure]

Where the CS Form 5 cannot be personally presented to the employee, the Agency Head or duly authorized representative, shall mail such notification to the employee's last known address using Certified Mail (return receipt requested) and shall afford the employee an opportunity to file an appeal *within ten (10) calendar days from receipt*.

c. *Within three (3) working days from the receipt of the employee's request for hearing*, the Civil Service Board Director shall send a copy of such appeal request to the Agency Head, or duly authorized representative, who initiated the action. [CSL Section 11(4)]

Scheduling of Appeal Hearing:

a. The Civil Service Board shall make every reasonable effort to hear any timely filed appeal of dismissal within 30 working days of receipt of the notice of appeal, unless an extension of time is requested by the employee or the Agency Head, or their respective representative. At no time

shall an appeal of dismissal be delayed beyond **sixty (60) calendar days** without the consent of both parties involved. [CSL Section 12(2)]

Motion for Summary Judgment:

Any party may move for summary judgment when it is believed that there is no genuine issue of material fact; and, that he or she is entitled to prevail as a matter of law. Motions for Summary Judgment must be filed with the Director of the Civil Service Office and served by hand delivery, facsimile, or first class mail on the opposing party, or their designated representative, ***no later than ten (10) calendar days prior to the scheduled hearing***. In cases where the hearing date is continued, the ten day period for filing the Motion for Summary Judgment is extended to that date which is ***ten (10) calendar days prior to the rescheduled hearing date***.

Pre-Hearing Conference Requirements:

No later than five (5) working days prior to the hearing date, or by such date as set at the Pre-Hearing Conference, the parties or their representatives, shall submit to the Civil Service Board a Pre-Hearing Statement detailing the outcome of all issues raised at the Pre-Hearing Conference, including, but not limited to, those listed in CS Rule 15.8c above. The Statement shall be signed by both parties or their representative. The parties shall also provide ten (10) copies of stipulated exhibits to the Board by the date established at the Pre-Hearing Conference.

No later than five (5) working days prior to the hearing date, or by such date as set at the Pre-Hearing Conference, the parties or their representative, shall submit ten (10) copies of all exhibits which have not been stipulated into evidence or have not been previously provided to the Board.

Final Order of the Civil Service Board:

a. *Within ten (10) calendar days of the conclusion of the appeal hearing*, the Civil Service Board Director or a member of the Civil Service Board shall issue a Final Order to the affected parties, setting forth its findings, conclusions, and the reasons therefore. The ten day period begins on the day following the conclusion of the appeal hearing.

b. Except as otherwise provided in CS Rule 15.18 below, the decision(s) of the Civil Service Board in any appeal hearing shall be considered final and binding on all affected parties.

Remedies:

a. Except as provided in CS Rule 18.18 below, or as otherwise provided in these rules, a prevailing appellant in an appeal hearing will be entitled to be made whole from any adverse effects of the action imposed. The scope of relief may include; but, may not be limited to:

- (1) Back pay.
- (2) Reinstatement of lost benefits.
- (3) Reinstatement to fringe benefit plans.
- (4) Retroactive seniority.

b. In determining relief, the Civil Service Board may take into account mitigating factors such as interim earnings and fringe benefits received, good faith efforts to secure alternative employment, and the reasonableness of request for continuance of hearing dates, and other equitable factors recognized under applicable precedent.

c. Attorney fees and cost of litigation will not be recoverable by either party to an appeal.

III: Pay Plan

A. Escambia County Civil Service Board:

On the first Tuesday of June of each year at 7:30 p.m., local time, or such earlier date as shall be set by the Chairman of the Civil Service Board after at least seven (7) days prior written notice, provided the legislative session has adjourned, or if the legislative session has not adjourned, within fifteen (15) days from the date said legislative session does adjourn, at a public meeting place in Escambia County, the Chairman of the Civil Service Board shall call and conduct a joint meeting of the Board of County Commissioners, District School Board, and all other elected county and school district officers to establish or adjust the authorized base pay range for each pay grade in the classified service, giving due regard only to cost-of-living factors and other economic conditions, and to establish the effective date or dates thereof. Each County Commissioner, Constitutional Officer, and ECUA members have one vote. A majority vote of those present shall constitute the official act of the meeting.

The voting procedure at the joint meeting shall be as follows:

§ Each County Commissioner, District School Board member, and other elected county or school district officer shall be entitled to one vote. A majority vote of those present and voting, either in person, by designee, or by proxy, shall constitute the official act of the meeting.

In addition to the base pay provided for in Section 2.1 of this Act, longevity pay shall be granted to each permanent classified employee, including part-time classified employees who work a regular schedule of at least twenty (20) hours per week, at the following rates:

- \$ 2% of base pay upon completion of 5 years continuous service;
- \$ 4% of base pay upon completion of 10 years continuous service;
- \$ 6% of base pay upon completion of 15 years continuous service;
- \$ 8% of base pay upon completion of 20 years continuous service;
- \$ 10% of base pay upon completion of 25 years continuous service.

The base pay ranges approved at the annual joint meeting shall constitute the official pay plan for all positions in the classified service. Such base pay ranges, together with the appropriate longevity pay and merit adjustments, shall be used by all appointing authorities and fiscal authorities in connection with payrolls and other accounting records and with budget estimates for all classified service positions.

The Civil Service Rules shall prescribe standard policies governing the administration of the pay plan and other elements of compensation, including, but not limited to, such matters as rates of pay on new appointments, reinstatement, promotion, demotion, transfer, rates of pay for part-time, temporary, limited term, or seasonal employment, overtime compensation and allowance for maintenance. *Notwithstanding anything herein to the contrary, however, the Civil Service Board shall not have the power to adopt rules relating to the granting, failure to grant, or amount of any discretionary merit adjustments made pursuant to Section 2.4 of this Act.*

After necessary study, inquiry and consultation, the Board staff shall prepare the pay plan for the various classes of work in the classified service and present the pay plan with recommendation for its implementation to the Board for approval and adoption.

Amendments to the pay plan shall be considered by the Board when changes of responsibilities of work or classes, living costs, availability of labor supply, prevailing rates of pay, or other pertinent economic considerations warrant such action. Any appointing authority, official, or classified employee may initiate requests for amendments. Amendments shall be made in the same manner as the original adoption of the pay plan. Whenever new classes become a part of the classification plan, the salary for such classes shall be adopted in this manner.

Merit pay increases within an established pay grade shall not be automatic but may be granted by the appointing authority in accordance with the Act (shall not exceed ten percent (10%) within one (1) year or the maximum of the pay grade). Such increases shall be based upon standards of performance as indicated by performance ratings and other pertinent data.

The Board is authorized to make any necessary administrative interpretation concerning the pay plan not inconsistent with the Act or these Rules, subject to appeal to the Board by the parties concerned.

B. Escambia County Human Resources Merit Board:

There is not a specific rule concerning a Pay Plan. As stated in Section 400.000 Classification Plan, "By describing job duties, responsibilities, and qualifications, the classification plan provides guidelines for establishing a pay plan based on these relationships."

C. Hillsborough County Civil Service Board:

(1) At least once annually, on or before March 31, the board shall recommend any revisions to the classification and pay plan and shall immediately forward them to each appointing authority. The pay plan shall provide, for each class of position in the classification plan, a salary schedule with an initial entrance salary, intermediate points, a method of recognizing longevity, and a maximum salary. Thereafter, but not later than April 30, the board shall prepare a final recommendation, taking into consideration any responses received from any appointing authority and including as backup material copies of all such responses. If the final recommendation is for a change to the pay plan, the classification plan, or both, the recommendation shall be presented, along with the backup material, to each budget authority for the classified employees whose positions it funds. Each budget authority must approve, amend, or reject a salary schedule for the classified employees it funds by the date of adoption of its annual budget. A budget authority shall not adopt a salary schedule for any employee whose salary is funded by any other budget authority. The board shall adopt the salary schedule adopted by each budget authority and include each in the board's pay plan. The board shall also adopt salary schedules established in accordance with any collective bargaining or impasse resolution procedures of any of the agencies or authorities to which this act applies, and shall also include each salary schedule so established within the board's pay plan.

IV. Classification Plan

A. Escambia County Civil Service Board:

- § The Executive Director shall prepare a classification plan for all positions in the classified service.
- § Upon its preparation or revision by the Executive Director, the classification plan shall be submitted to the Board for adoption.
- § Upon adoption of the classification plan by the Board, its provisions shall be observed in the handling of all personnel actions and activities, and shall be considered to be an administrative tool and not deemed to be part of these Rules.
- § The Executive Director shall maintain the official copy of the classification plan, which shall be open to public inspection at any time during business hours.
- § The Executive Director may, or when requested by an appointing authority, shall review the classification of an existing position due to changes in the duties and responsibilities, or due to the creation of a new class in which such position may be appropriately classified. The employee, after utilizing all proper internal procedures, may request a study of his position.

- § Where the Executive Director finds that there has been a significant change in the duties and responsibilities of a position, a recommendation may be made to the Board that the position be reclassified or reallocated to an appropriate classification.
- § Where the Executive Director finds that there are reasons which justify a change in the class title, but which do not warrant reclassification or reallocation, a recommendation may be made to the Board that the class be appropriately re-titled.
- § **Reclassification:** Based upon the change in the duties and responsibilities warranting reclassification and the employee's demonstrated ability to perform the duties, the Board may grant the employee permanent status in the reclassified position without serving a probationary period.
- § Any position in the classified service which remains unfilled by regular appointment for a period of one (1) year may be abolished by the Board following a thirty (30) calendar day notice to the appointing authority concerned and approval of the appointing authority.

B. Escambia County Human Resources Merit Board:

Official Copy of Class and Position Descriptions: A master set of all approved class and position descriptions which shall constitute the official Classification Plan shall be maintained in the Department of Human Resources and the Office of the Executive Administrator to the Merit System Protection Board. The official copy shall show all amendments to the original plan. The copies shall include the date of adoption of the last revision of the specification for each class. Class and position descriptions maintained in the Human Resources Office and the Office of the Executive Administrator to the Merit System Protection Board will be open for inspection by employees and the general public under reasonable conditions during business hours.

Procedures for the Allocation of Positions: The Director of Human Resources is responsible for analyzing all classified positions and, after consulting with the affected employees (if applicable) and his Department Director or Appointing Authority, recommending to the Merit System Protection Board the appropriate class of each position.

Every position shall be placed in the appropriate class before final administrative action can be taken on appointments, transfers, promotions, changes in grade or payment of salary involving the position.

Those positions which are sufficiently similar with regard to duties performed, levels of responsibility, minimum requirements of training, experience, or skills and which merit approximately equal pay shall be allocated to the same class. A complete set of written specifications for each job classification including any special entrance qualifications for particular classes shall be maintained by the Department of Human Resources.

When new positions are approved in the budget, the Human Resources Director shall create new position descriptions and assign them to an appropriate class. Whenever a new position is created, a position questionnaire must be submitted to the Human Resources Department which describes in detail the duties of such position. A field audit and/or oral interview with the incumbent may be required by the Human Resources Department when a new position is created and/or occupied in order to verify the information provided on the position questionnaire (PQ).

The Merit System Protection Board has the authority to approve or disapprove all proposed actions for reclassifications, additions and deletions. The Board of County Commissioners/Appointing Authority shall review and approve or disapprove recommendations of the Merit System Protection Board regarding all actions for reclassification, additions and deletions.

Procedures for the Reallocation of Positions : The Human Resources Director may recommend to the County Administrator/Appointing Authority the reallocation of existing positions when it is determined that the position is incorrectly allocated. The County Administrator may reallocate a vacant position when provided appropriate justification from the Department Director/Appointing Authority without the review of the Merit System Protection Board.

Reallocation may occur as the result of the conditions described below:

1. The position was incorrectly allocated and there have been no substantial changes in duties.
2. There has been a substantial change in the duties and responsibilities or qualifications associated with a position since it was allocated to a particular class.
 - a. If a position is assigned a higher pay grade than the current classification, such action is considered an upgrade of the position. If the position is occupied at the time of the upgrade, the incumbent will be reclassified without an examination if the employee meets the minimum qualifications of the new classification.
 - b. If the position is reallocated and the pay grade is not changed, the incumbent may be reclassified providing the employee meets the minimum qualifications.
 - c. If the position is assigned a lower pay grade than the current classification, this change is called a downgrade of the position. If the position is occupied, the incumbent will continue at the same pay and receive increases to the maximum of the range of the lower grade. If current salary is above the maximum for the lower class, the employee shall be permitted to continue at the present rate of pay until the current salary falls within the lower grade range. (See Chapter VI Section 640.200)
 - d. In all cases of reallocation, if the position is vacant, it shall be filled in the same manner as outlined in Chapter III.

e. In all cases of reallocation of an occupied position, the incumbent is reclassified consistent with the new allocation provided the incumbent meets the minimum qualifications for the position. The review date of the incumbent is not changed by such action. Any employee affected by the reallocation of his or her position may file a written request for reconsideration to the Human Services Director.

f. If the position is part of a specified job grouping where each successive increase is dependent upon receiving a higher level certification, license, or other specified qualification, and promotion to the next level in the job grouping is automatic upon receipt of said certificate or license, the Human Resources Director may authorize the reallocation of the position and the reclassification of the incumbent without further review or approval if funds have been approved in the budget.

Abolishment of Positions: Whenever there is justification for abolishing a position such as reorganization, lack of funds or other reason, the Department Director shall make such recommendation to the Human Resources Director. The Human Resources Director shall review such recommendations, which must then be approved by the Merit System Protection Board and Board of County Commissioners or the Appointing Authority.

Maintenance of the Classification Plan: To fill job vacancy, the department director or appointing authority must initiate a request which will include a statement that the essential job functions and qualifications are still the same, or if different, must include a position questionnaire form outlining the current duties and responsibilities for the position.

When a department or a division is substantially reorganized, the department director or appointing authority will submit new position questionnaires for all affected positions to the Human Resource Director.

Any change, except as indicated in these rules, in the classification plan, such as establishing new classes, abolishing classes, reallocating classes or pay grade changes for classes require the prior approval by the Human Resources Director, review by the Merit System Protection Board, and final approval by the Board of County Commissioners or Appointing authority.

C. Hillsborough County Civil Service Board:

Administration of the Classification Plan: The Civil Service Board Director shall have the primary responsibility for the administration and maintenance of the Classification Plan. These responsibilities shall include:

§ establishment of a Classification Plan;

§ overall coordination, review, and maintenance of the Classification Plan;

§ periodic studies, reviews or surveys to assure the Classification Plan is current:

§ development of forms to be used by all departments or agencies in describing assigned duties, supervisory relationships, authority, special skills required, and other information necessary to determine the proper classification of each position. The submission of forms and other related information shall be in accordance with procedures established by the Civil Service Board Director.

Each department or agency is responsible for maintaining the integrity of the Classification Plan by assuring that employees are performing the duties and responsibilities at the level within their respective classification, or notifying the Director of the Civil Service Board of any substantial change due to the realignment of duties and responsibilities of the position or reorganization.

Amendments of the Classification Plan: Classifications shall be adopted, regraded, or abolished by the Civil Service Board as necessary for the maintenance of the Classification Plan. Each time a classification is to be adopted, regraded or abolished, the Director of the Civil Service Board shall submit the findings and recommendations to the Civil Service Board, who shall determine whether the requested action is appropriate.

Establishment and Classification of Positions: When additional positions are to be established, the Appointing Authority shall submit a Request for Position/Classification Actions (CS Form 33A) and CS Form 33B (General Instructions for Overtime Category Determination), if necessary. The Civil Service staff will evaluate the proposed duties, responsibilities, and other related data, and with Civil Service Board approval, establish the position(s) and assign it to the appropriate classification.

Reclassification of Positions: If an Appointing Authority has reason to believe that a position (or positions) is improperly allocated, he or she may request the Director of the Civil Service Board to review the allocation of the position. Such request shall be submitted using CS Form 33A (Request for Position/ Classification Action) completed by the incumbent or the supervisor of the position and, CS Form 33B (General Instructions for Overtime Category Determination), if necessary. The Civil Service staff will review the position duties, responsibilities, other related data, and with Civil Service Board approval, assign such position to the appropriate classification.

Established positions may be reclassified from one classification to a different classification under the following conditions:

§ there has been a significant change in the assignment of duties and responsibilities;

§ the change in duties and responsibilities is of a permanent nature; and

§ the revised position duties match a different classification better than they match the current classification.

Reclassification of positions shall not be effected when:

§ the requested action is to recognize job performance or qualification;

- \$ the added duties and responsibilities are minor in nature and would be a logical function of the current classification;
- \$ the added duties and responsibilities are to be performed for a temporary period;
- \$ the only change involved is an increase in the employee's workload;
- \$ the primary purpose is to raise the employee's salary without any change in duties and responsibilities; or
- \$ the requested action is arbitrary or capricious.

Criteria for Exceptions: Exceptions to the above rules may be approved by the Civil Service Board based upon written justification by the Appointing Authority which supports all of the following:

- \$ granting the exception would avoid a hardship on the employee;
- \$ granting the exception would benefit the department/agency by retaining the services of the employee;
- \$ the employee's performance warrants the exception; and
- \$ granting the exception would be in the best interest of Hillsborough County or the Appointing Authority.

Regrading of Classifications: The Director of the Civil Service Board may initiate, or the Civil Service Board may direct, or an Agency may request a review of the salary range assigned to a classification(s) or a series of classifications when there is:

- \$ a perception of possible internal or external inequity between jobs; or
- \$ difficulty in recruiting qualified candidates or retaining current employees.

An internal equity problem, affecting employees in other classification(s) in the same series or, in the direct line of authority of those classification(s) being regraded, could result due to the regrading action. The Civil Service staff will review all positions in other classes in the same series or, in the direct line of authority of the positions being regraded to determine if an internal equity problem is being created.

If it is determined that an internal equity problem exists, a pay adjustment shall be granted to employees in the affected position(s). The amount of the adjustment will be based on the severity of the internal equity occurrence, as determined by the Civil Service staff in conjunction with the Agency(s) involved, and approved by the Civil Service Board.

Retitling of Classifications: The Director of the Civil Service Board may cause a classification

to be retitled, identifying it with a new classification name to better describe the duties and responsibilities involved. Normally the classification code, pay grade, or minimum qualifications are unchanged. Minor changes to major functions, duties, and/or knowledge, skills, and abilities are permissible provided they are not significant and do not alter the original intent of the original functions and duties of the classification.

Criteria for Exemption from the Classified Service: In addition to the types of employment specifically placed in the unclassified service, the Civil Service Law provides that the unclassified service shall include all Executive Managers as described by the Appointing Authority. [CSL Section 6(2)]

V. Certification of Eligibles

A. Escambia County Civil Service Board:

Duration of Eligible Rosters: An employment roster shall expire one (1) year after the effective date of the establishment of the roster unless extended up to a six (6) month period by the Board staff. Permanent employees who have qualified for promotion shall remain eligible for promotion for a two (2) year period without the need to re-apply. Re-employment rosters shall remain in force for a period of one (1) year from the effective date of layoff of an employee or return from military duty.

Requisitions: Whenever a vacancy in the classified service is to be filled by a means other than transfer or demotion, the appointing authority shall submit a requisition to the Board for the class of position in which the vacancy exists.

Certification of Eligible Applicants: Upon receipt of a requisition to fill a vacancy, the Board staff shall certify and send the roster of applicants. The active status of a requisition from which certifications and appointments may be made shall be sixty (60) calendar days from the date of receipt by the Board staff.

This may be extended upon request to and approval by the Board staff for two weeks prior to the expiration of the requisition. Once a requisition has been processed and the roster delivered to the department, selection may be made during the requisition active status period even if the roster or individual applicant on the roster has reached its expiration date.

Selective Certification: Where special requirements for particular positions have been requested by an appointing authority and approved by the Board, certification may be limited to persons meeting the requirements specified.

B. Escambia County Human Resources Merit Board:

Establishment and Duration of Eligibility List: The Human Resource Director shall establish lists of eligible applicants for various classes of positions as may be necessary to meet the needs

of the Classified Service. Eligible applicants assigned to the same list shall be considered equally eligible. A list of eligible applicants shall expire automatically at the end of one (1) year from the time of its establishment unless the eligibility list is designated by the Human Resource Director to last for a longer period of time, or unless the list is extended by the Human Resources Director for a period not to exceed one (1) year.

If the Department Director, after consulting with the Human Resources Director, determines that a list, although not exhausted, is inadequate for the filling of anticipated vacancies, the Human Resources Director may announce a new open competitive examination. Candidates remaining on the eligibility list will rollover to the next list, provided that they have not already used the one-time rollover procedure.

Request for Certification: Whenever a vacancy is to be filled, the department director or appointing authority shall submit a Personnel Transaction Form (PAF) to the Human Resources Director for recruitment of eligible applicants.

Guidelines for Filling Vacancies: All vacancies in the Classified Service designated by the department director or appointing authority to be filled, shall be filled by regular appointment, promotional appointment, provisional appointment, emergency appointment, re-employment, transfer, or demotion. Generally, the order of consideration for appointments shall be as follows:

- § Escambia County employees who have been affected by a reduction in force;
- § Escambia County employees seeking a promotion or transfer;
- § Previous Escambia County employees with satisfactory service whose names are on re-employment applicant list; and
- § Other applicants on Escambia County applicant list.

However, the Department Director may select any applicant from a certified selection list as long as they meet the minimum qualifications of the position. In the event the order of consideration is not followed, the Department Director must document in writing the reasons for not following the order to the Human Resources Director. A department director is not required to fill any vacancy, but has the discretion to leave open any vacancy whether or not there exists current applicant or re-employment lists for that position. However, if a vacancy remains unfilled in excess of 180 days, the County Administrator may, due to business necessity, elect to transfer the authorized position to another department.

Procedure for Certification: The Human Resources Director shall certify and submit in writing to the Department Director or Appointing Authority, the list of available applicants eligible for the appointment. Applicants in the same promotion testing status will be viewed as equally qualified and will be certified by the Human Resource Director.

If more than one (1) vacancy is involved, the consideration is in filling the total number of

vacancies by methodical consideration of eligible applicants; however, appointment must first be made from the eligible applicants within the highest certification list status. When the highest status applicant list has been exhausted, applicants in the next highest band shall then receive methodical consideration.

Department Directors/Appointing Authorities are required to interview a minimum of three (3) eligible applicants to fill a position vacancy except when fewer than three (3) applicants are eligible to compete.

If the list established as a result of the open-competitive examination for a specific class is exhausted and the Department Director or Appointing Authority still desires to fill the vacancy, the Human Resources Director may authorize a provisional appointment and announce an open-competitive examination for the position or may authorize filling the vacancy in any manner provided by these rules and regulations.

In making appointments from the open-competitive register, the appointing authority shall select for each position an applicant who is included within the highest promotion testing status exclusive of those applicants:

- § who request that they not be considered for appointment;
- § who fail to appear for an interview for which they have been scheduled;
- § who decline two (2) offers of appointment;
- § who accept an appointment and fail to report to work as scheduled without giving reasons for the delay satisfactory to the appointing authority.

If in the process of making appointments, the Department Director wishes to pass over an eligible applicant in the highest promotion testing on a list in order to select an applicant in a lower certification list status, the Department Director or Appointing Authority must make a written request to the Human Resource Director. The correspondence must contain sufficient evidence to indicate why the eligible applicant is not suitable at that time for an appointment in the class for which the list was established.

If the Human Resources Director approves such a request, the eligible applicant may, depending on circumstances, continue to remain unsuitable for appointment, possibly for the life of the list.

Selection: The Appointing Authority or selection official shall select the most suitable applicant from among those certified from the highest band status and report the selection to the Human Resources Director or his/her designee. Once the applicant is selected, it shall be the responsibility of the Human Resources Director or designee to make the conditional job offer to the applicant. Upon acceptance of the position, the applicant will be directed to complete any other qualifying requirements and the appropriate forms.

When selection from an internal list of eligible applicants has been designated as the method for filling the vacancy, the Department Director or Appointing Authority shall make the selection from any of the applicants appearing on the register.

C. Hillsborough County Civil Service

Initial Employment Lists: The board shall establish employment eligibility lists for the various classifications in the classified service. The qualifications, duties, pay, and experience applicable to the classification shall be posted by the board 2 weeks preceding the establishment of such list. The list shall contain the names of all persons certified by tests or other evaluative procedures. The resulting employment list shall be published within 15 working days after the last day of the 2-week notification period. *The board shall establish by rule the duration of each employment eligibility list.* Scores shall be valid for a minimum of 2 years. However, the board may cancel any list when such list, in the board's opinion, fails to provide suitable candidates for the classification to be filled. An error in the assessment of any applicant's qualifications shall be corrected if called to the attention of the board within 30 days after notification by the board to the applicant. If an employee has satisfactorily completed a 6-month probationary period, such correction shall not invalidate any appointment made as a result of the error.

Appointments: An Appointing Authority shall fill a vacancy in a classified position by selection of any of the names certified by the Civil Service Board as being eligible for employment in the specific class wherein the vacancy exists. When filling an authorized vacancy in the classified service, the Appointing Authority shall select eligibles from certified Civil Service eligibility lists in the following order:

- § employees on a Closed Promotion Eligibility list established in accordance with Civil Service Rule 6.4;
- § applicants on an Open Recruitment Eligibility list.

Eligibility lists may be cancelled by an Appointing Authority upon written certification to the Civil Service Office that such list has failed to provide suitable candidates for the position to be filled. These certifications of cancellation must be signed by an Appointing Authority representative who has written authorization to do so. Furthermore, the Appointing Authority shall maintain all files relating to list cancellations, answer all inquiries resulting from a list being cancelled, and make available for inspection the lists and reasons for cancellation. All cancellations must occur before the expiration date of the eligibility list.

Removal of Names from Certified Eligibility List: The Civil Service Board may remove any person's name from the list of those certified as eligible on the basis of the following:

- § appointment to a position from the certified eligibility list for which applied.
- § separation from the classified service (Closed Promotion Lists only).

- § upon receipt of a written request from the eligible applicant on the list.
- § upon determination that the applicant does not meet the prerequisite qualifications established by the Civil Service Board for the classification for which certified.
- § upon determination that the applicant has made a false statement of any fact or has attempted to deceive the County in an effort to gain appointment.
- § upon determination that an eligible applicant has been convicted of or has entered a plea of guilty or nolo contendere to a felony or a misdemeanor having specific relevance to the classification for which applied.
- § upon determination that the eligible applicant used bribery or political pressure to gain appointment.

Effective Date of Appointment and Termination of Appointment:

- § Appointment in a position under any of the methods provided in these rules shall become effective as of the date the employee reports for duty. [CSL Section 9(2)].
- § Appointment in any position may be terminated at any time by the transfer, demotion, promotion, or dismissal of the incumbent.

VI. Political Activity Limitations

A. Escambia County Civil Service Board:

Elective Office Or Political Activity: All employees holding positions in the classified service are governed by the provisions of applicable federal or state laws relating to elective office and political activity.

B. Escambia County Human Resource Merit System:

Political Activities: No employee of the Classified Service shall be a candidate for or an officer of a political office with Escambia County during his/her employment with the county. County employees may not engage in any political campaign activities while on duty, while in the workplace, while in uniform, or while using a county vehicle. This prohibited activity includes, but is not limited to, distributing information or soliciting contributions or services for any

political party, political candidate or organization while on duty. County employees may not use county funds, supplies or equipment for such purposes. Nothing herein contained shall be construed to restrict the right of employees in classified service to hold membership in and support a political party, to vote as he/she chooses, to express personal opinions on political subjects and candidates, to maintain political neutrality, or to attend political meetings during non-working hours.

C. Hillsborough County Civil Service

Restriction On Individual Qualifying For Public Political Office: No subordinate personnel need resign upon qualifying for any compensated, elected public office unless such individual is seeking to qualify for a public office which is currently held by an individual who has the authority to appoint, employ, promote, or otherwise supervise that subordinate personnel and who has qualified as a candidate for reelection to that public office. No subordinate personnel of the county administrator need resign upon qualifying for any compensated, elected public office unless such individual is seeking to qualify for a position on the commission in which the incumbent has qualified as a candidate for reelection. However, any such personnel shall take a leave of absence without pay from public employment during the period in which the person is seeking election to public office. A classified employee may serve in an elected public office if service in such elected office does not conflict with the performance of the employee's duties in the classified service or present a conflict of interest between the elected office and the classified position. If a classified employee is elected, the appointing authority where that employee is employed shall determine whether the employee's service in public office conflicts with the performance of his or her duties with the appointing authority. If the employee disagrees with any finding that relates to a conflict with the performance of duties, the employee may file a grievance or appeal under the applicable processes.

VII: Budget Resources

A. Escambia County Civil Service Board:

Operating Budget. To enable the Civil Service Board to carry out the purposes of this Act, it is hereby authorized to employ sufficient staff and it is made the duty of the District School Board and the Board of County Commissioners to appropriate annually a sum of money for the expenses of the members of the Civil Service Board and for the operation of the Civil Service Board. The annual amount shall be appropriated by joint resolution of the District School Board and Board of County Commissioners. Such amount shall not be less than 1.5 percent, beginning October 1, 1993, and 1.4 percent for all subsequent years, 1.603 percent of the total amount expended annually for the classified payroll for the preceding fiscal year of each appointing authority. The Civil Service Board shall have the option to agree to accept less than the specified percentage appropriation in any one fiscal year but may not be forced to do so. For purposes of computing the budget of the Civil Service Board, the payroll of those classified employees who

are represented as a group by certified collective bargaining agents shall be included, but only to the extent of the average payroll of similarly classified and situated classified employees who are not represented as a group by certified collective bargaining agents.

In the event that the sums of money actually paid to the Civil Service Board in a fiscal year for the board member expenses and operating budget of the Civil Service Board are greater than the sum of money derived by applying the appropriate percentage to the actual classified payroll for that fiscal year of all appointing authorities, the sum of money to be appropriated for the board member expenses and operating budget of the Civil Service Board for the succeeding fiscal year shall be reduced by the total excess payments made during the preceding fiscal year.

In the event that the sums of money actually paid to the Civil Service Board in a fiscal year for the board member expenses and operating budget of the Civil Service Board are less than the sum of money derived by applying the appropriate percentage to the actual classified payroll for that fiscal year of all appointing authorities, the sum of money to be appropriated for the board member expenses and operating budget of the Civil Service Board for the succeeding fiscal year shall be increased by the total shortage in payments made during the preceding fiscal year.

B. Escambia County Human Resources Merit Board

Compensation of Board Members and Provisions for Facilities: It is hereby made the duty of the governing authority to appropriate annually a sum of money sufficient to enable the Board to carry out properly the purposes of this Act. The Board members will be compensated as provided by law at an amount approved by the Board of Commissioners, reviewed annually during the County's budget process. It shall be the duty of all officers having charge of public buildings of the County to allow the reasonable use of the facilities thereof by the Board for the performance of its duties, and in all proper ways to facilitate the work of the Board.

C. Hillsborough County Civil Service

Appropriation For The Board: The commission shall appropriate to the board annually a sum of money equal to not less than sixty-five hundredths of 1 percent of the classified personnel payroll of the fiscal year just ended to enable the board to properly carry out the purposes of this act. It is the duty of the authorities having charge of the public buildings of such county to allow the reasonable use of public buildings and rooms for the holding of any activity of the board provided for by this act and to provide quarters for the use of the board.

Escambia County CSB

Demotion/Reduce Pay
Dismissal

Employee Notified Of Action

Appointing Authority Notice - Within 10 Calendar
Days Of Notice

Employee's Files Appeal - Within 10 Calendar
Days Of Notice

Provides Method - Upon CSB's Receipt
Alternative Dispute of Proper Appeal
Resolution (ADR) Submission

Final Resolution - Subject to Ratification
By The CSB
- Made Part of Employee
Record

Amendments to Charges - Within 10 Calendar
Specifications Days After Suspension
Or Dismissal

Employee Appeal Of - 10 Calendar Days
Amendments After Amendments are
Filed With CSB

Schedule Hearing - No Time-Frame
for Appointing Mentioned
Authority & Employee

Escambia County MSPB

Demotion/Suspended/Dismissal
Alleged Unlawful Discrimination

Employee Notified Of Action

To Supervisor - Within 5 Calendar Days

Meet W/Supervisor - Within 5 Calendar Days
Of Filing Grievance

Meet W/Chain of - 5 Calendar Days For
Command Each Level of Management

Employee to MSPB Executive - 5 Calendar Days
Administrator

Employee Meet W/ Executive - 20 Calendar Days
Administrator

Executive Administrator - Within 20 Calendar Days
Decision

Appeal to Merit Board - Within 5 Calendar Days of
Executive Administrator
Decision

Merit Board Hearing - Within 30 Calendar Days of
Receiving Appeal

Hillsborough CSB

Suspended/Demotions
Dismissals

Employee Notified Of Action

Appeal To Supervisor - 5 Working Days

Upon Supervisor - 5 Working Days
Decision

All Management - 5 Working Days/1
Levels - Including
Civil Service Office

Agency Head - Within 10 Working Day
Response Unless Engaged in Seek

Request For - Within 10 Calendar Da
Appeal Hearing Receipt of Notice of A
Form 5)

CSB Director - Within 3 Working Day;
Provide Copy of
Appeal Request
To Agency Head

Pre-Hearing - Within 10 Working Days
Conference The Hearing

Appeal Hearing - Within 30 Working Da
For Dismissal Than 60 Days

Suspension/
Involuntary - ASAP Consistent With
Demotion Matters & Priorities

Motion For - No Later Than 10 Calendar
Summary Prior to Hearing
Judgement