



PERSONNEL RULES

Rev: 6 | Revision Date: 9/23/2022
I.D. Number: SOP – Personnel Rules

CITY OF FORT LAUDERDALE, FLORIDA

Human Resources Division

P E R S O N N E L R U L E S

with Amendments to September 1, 2020



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RULE I – GENERAL PROVISIONS

Section 1. Purpose of these rules: These rules set forth the principles and procedures that are to be followed by the city in its personnel program to the end that the city and its employees may have assurance that personnel will be dealt with on an equitable basis, and that the citizens of Fort Lauderdale may derive the benefits and advantages which can be expected to result from a competent staff of city employees.

Section 2. Positions covered by these rules: These rules shall apply to all positions and offices in the city service excepting those of the city manager, deputy city manager, assistant city managers, city attorney, assistant city attorney unless otherwise provided by law, and provided further that these rules shall not apply to those offices and positions in the classified service which, once filled, are subject to the provisions of a collective bargaining agreement and regular employees in the classified service who are covered by a collective bargaining agreement shall not be subject to these rules and regulations unless said agreement otherwise provides.

Section 3. Approval of rules: These rules shall be in force and effect when approved by the city commission and shall have the force and effect of law insofar as they apply to positions covered by said rules.



RULE II – DEFINITIONS

As used in these rules, unless the context clearly requires otherwise, the following quoted *italic/underlined* words shall have the meaning herein given them, provided however, that the following definitions shall not apply to offices and positions in the classified service which, once filled, are subject to the provisions of any collective bargaining agreement and the definitions herein shall not apply to regular employees in the classified service who are covered by a collective bargaining agreement unless said agreement otherwise provides:

Section 1. Allocate shall mean the act of assigning each position to its proper class.

Section 2. Certify shall mean the act of the personnel director in supplying a department head with the names of applicants who are eligible for appointment to the class and positions in the classified service for which certification is requested.

Section 3. Class shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

Section 4. Continuous service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence, suspension or separation due to layoff; however time lost due to leave of absence, suspension or layoff shall not be included in the determination of length of continuous service. Authorized paid leave of absence shall be included as a part of continuous service.

Section 5. Demotion shall mean the assignment of an employee to a position in a lower class having a lower maximum salary than the class from which the assignment is made.



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Section 6. Eligible shall mean a person listed on an active eligible list.

Section 7. Eligible list shall mean an employment list, promotional list, reemployment list or reinstatement list.

Section 8. Employment list shall mean a list of persons who have been found qualified by an entrance examination for appointment to a position in a particular class.

Section 9. Hearing means a public hearing held after public notice, at which any person may have a reasonable opportunity to be heard.

Section 10. Permanent position shall mean any position vacant or filled which is designated as such by the budget or by the city manager.

Section 11. Position shall mean a group of duties assigned to one person or job.

Section 12. Probationary employee shall mean any employee who is serving his probationary period prior to being regularly appointed to a permanent position and class in the classified service.

Section 13. Promotion shall mean the assignment of an employee to a position in a higher class having a higher maximum salary than the position from which assignment is made.

Section 14. Promotional examination means an examination or group of examinations for a position in a certain class, admission to which is limited to employees who hold or have held a position in the classified service.



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Section 15. Promotional list shall mean a list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

Section 16. Provisional employee shall mean any employee filling a position in the classified service without competition pending the establishment of an eligible list.

Section 17. Regular employee shall mean an employee who has been appointed to a permanent position in the classified service in accordance with the provisions of the rules after completing a probationary period. They shall also gain status in that class to which appointed.

Section 18. Status is a condition acquired by an employee giving rights, in the manner the rules set forth, to a class.

Section 19. Temporary employee shall mean an employee holding a position other than permanent, except as provided in the rules, which is of a temporary, seasonal, casual or emergency nature.

Section 20. Temporary position shall mean all positions that are not designated permanent.

Section 21. Vacancy shall mean a position existing or newly created, which is not occupied, and for which funds are available, and for the filling of which a valid requisition has been received by the personnel director.

Section 22. Mandatory retirement. "Mandatory Retirement" shall mean retirement upon the attainment of seventy (70) years of age.



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RULE III – ORGANIZATION FOR PERSONNEL ADMINISTRATION

Section 1. The city commission: The city commission shall:

- A. Approve the personnel rules.
- B. Approve the pay plan and all amendments thereto.
- C. Make and confirm appointments to and remove from positions specified by the city charter.

Section 2. The city manager: The city manager shall:

- A. Be responsible to the city commission for the administration of the personnel system subject to these rules.
- B. Appoint or remove all subordinate officers and employees subject to the provisions of these rules excepting those to be appointment and removed by the city commission.
- C. Perform such other duties and have and exercise such other powers in personnel administration as may be prescribed by law and these rules.

Section 3. The personnel director: The city manager shall appoint, in accordance with the provisions of the city charter a personnel director who shall also be secretary to the civil service board who shall be responsible to the city manager for the administrative and technical direction of the city personnel program. He shall be known as the personnel director and shall:



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- A. Administer the provisions of these rules.
- B. Develop and administer such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the city service.
- C. Prepare and recommend a classification plan and amendments to the classification plan so that it will reflect on a current basis the duties being performed by each employee in the city service and class to which each position is allocated.
- D. Administer the pay plan including the periodic review of salary and wage levels in the area to the extent that such levels affect city employment and the periodic investigation of factors affecting the economic level of salaries and to make recommendations for amendments to the pay plan.
- E. Delegate performance of duties and acts required to be performed by him to a designee, when he deems it necessary or desirable to do so.
- F. Provide for the establishment and maintenance of a roster of all employees in the city service.
- G. Provide such forms and procedures as he may consider necessary, appropriate, or desirable to carry out the personnel program.
- H. Develop and establish in cooperation with the city manager and the various department heads such training and educational programs for employees in the city service as conditions warrant.



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- I. Attend all meetings of the civil service board.
- J. Perform such other activities with reference to personnel administration not inconsistent with the city charter or these rules, as may be deemed necessary or desirable to enforce the provisions of these rules, as the city manager may direct, or as may be required by ordinance.
- K. Prepare and recommend such rules or amendments to the rules as may be necessary or advisable to carry out the intent and purposes of the city personnel program.
- L. Approve indemnification hold harmless agreements by and between the City of Fort Lauderdale and any other municipality, county and state agency requesting participation of City of Fort Lauderdale employees or agents upon such other municipality's, county and state agency's oral interview panels or boards in order to provide that such other municipality, county and state agency will appear, defend, indemnify and hold harmless the City of Fort Lauderdale and such agents or employees as a result of any litigation which might arise because of the participation of such agents or employees upon oral interview panels or boards of such other municipality, county and state agency.

Section 4. The civil service board: The civil service board shall consist of three members, one of whom shall be recommended for appointment by the major, one of whom shall be recommended for appointment by the city manager, and third member shall be recommended for appointment by the regular employees of the City of Fort Lauderdale. Each member shall be appointed for a full term of four years, by resolution of the city commission, which resolution shall specify upon whose recommendation the member was appointed, and the expiration of term of office. It is the principal function of the board to serve in an appellate and advisory capacity in the administration of the personnel program. It is the duty of the civil service board and it shall have the power to:



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- A. Hear appeals of any regular employee in the method provided in these rules.
- B. Represent the public interest in the improvement of personnel administration in the city service.
- C. Advise the commission, the city manager and the personnel director on problems concerning personnel administration.
- D. Advise and assist the personnel director in fostering the improvement of personnel standards in the city service.
- E. Make any inquiry which it may consider desirable, concerning the administration of personnel in the city service and to review any personnel action which may appear to be arbitrary, capricious or illegal, and make recommendations to the personnel director with respect thereto.
- F. Make annual reports, and such special reports as it considers desirable, to the commission and to the city manager concerning personnel administration in the city service and recommendations for improvement herein.
- G. Adopt the classification plan to propose amendments or revisions thereto.



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RULE IV – POSITIONS INCLUDED IN PERSONNEL SYSTEM

Section 1. The city service: The city service shall comprise all offices and positions in the city employ, now existing or hereafter created. The city service is divided into the nonclassified and classified services:

- A. The nonclassified service shall consist of:
 - (a) City commissioners.
 - (b) The city manager and/or acting city manager.
 - (c) Deputy city manager and assistant city managers.
 - (d) Administrative assistants to the city manager.
 - (e) The city attorney and assistant city attorneys.
 - (f) The municipal judge, associate municipal judge and assistant municipal judge.
 - (g) Consultants, counsel, architects, auditors, board and committee members and the like rendering temporary professional services for pay or not for pay. Non-classified personnel may not be assigned the duties of a vacant classified position except in accordance with civil service rules and regulations.

- B. The classified service shall comprise all other positions now existing or hereafter created not specifically included in the nonclassified service, provided, however, that all offices and positions in the classified service which, once filled, are subject to provisions of a collective bargaining agreement, shall be exempt from the applicability of the Civil Service Rules and Regulations and regular employees in the classified service who are covered by a collective bargaining agreement shall not be subject to Civil Service Rules and Regulations unless said agreement otherwise provides.



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Section 2. Status of employees in the city service: All persons, excepting part time or hourly rate employees, holding positions in the classified service on the effective date of these rules, and whose positions normally involve continuous year round full time service, and who have served continuously for a period of at least six months immediately prior to the date of adoption of these rules shall be considered to be regular employees and, as such, entitled to the rights, benefits and privileges extended to such employees by the city charter and these rules.

All persons, excepting part time or hourly rate employees, holding positions in the classified service on the effective date of these rules and whose positions normally involve continuous year round full time service and who have not served continuously for a period of six months immediately prior to the date of adoption of these rules shall be considered to be probationary employees and as such subject to the provisions of these rules relating to satisfactory completion of a probationary period.

All persons holding positions in the classified service which do not involve continuous year round full time service or who are compensated on an hourly basis shall be considered as temporary employees.



RULE V – CLASSIFICATION PLAN

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

Section 2. Composition of the classification plan: The classification plan consists of:

- A. Classes of positions which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility, which require similar experience and training at time of recruitment, and which may be compensated fairly from within the same range of pay under similar working conditions.
- B. Class titles which are descriptive of the work performed and which identify each class.
- C. Written class specifications for each class of positions which contain a description of the nature of the work and of the relative responsibility of the positions in the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledges, abilities, and skills necessary for performance of the work, and a statement of required experience and training for recruitment into the class.
- D. An allocation list showing the class title of each position in the city service, as identified by the name of the employee holding that position.

Section 3. Class title: Class titles shall be used in all personnel, accounting, budget, appropriation and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan.



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Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes.

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

Section 5. Maintenance of the classification plan: The personnel director is charged with the responsibility for the proper and continuous maintenance of the classification plan so that it will reflect on a current basis, the duties being performed by each employee in the city service and the class to which each position is allocated.

The personnel director shall periodically review the classification of positions and upon the basis of his investigation he shall recommend to the civil service board appropriate and necessary amendments to the classification plan in the form of new classes, revisions of existing classes and the abolition of classes no longer required in the plan. Such recommended amendments shall be effective when approved by the board or on the thirtieth day after being recommended to the board providing that prior thereto the board shall not have disapproved them.

Allocations and reallocations within the approved classification plan shall be made as follows:

- A. The personnel director shall study the duties and responsibilities of each new position as it is created and on the basis of this study place the position in the appropriate class within the classification plan for the duties to be performed.



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- B. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the personnel director by department heads.

If these are determined to be permanent, are more than minor changes, and justify a reallocation to a different classification, the personnel director shall, after affording to the employees affected the opportunity to be heard, by giving them ten days written notice, and with consent of the city manager and approval of the civil service board, place such position in its appropriate class.



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RULE VI – THE COMPENSATION PLAN

For rules governing compensation to employees, see current pay plan as approved by ordinance.



RULE VII – APPLICATIONS

Section 1. Announcement of examination: Public notice of open competitive examinations shall be given in advance of the examination by publication in the daily newspaper or largest general circulation in the City and in such other places and by such other means as the Personnel Manager may deem advisable.

Section 2. Filing of application: An applicant for a position in the classified service must file a written application on the form prescribed by the Personnel Manager or request such application within the time limit fixed in the examination announcement. A defective application may be returned to the applicant with a notice of amendment. Amendments or corrections must be made within the time limit fixed by the Personnel Manager.

Section 3. Citizenship: An applicant for City employment shall not be disqualified from employment solely because he is not a United States citizen unless the position sought involves the direct participation of the employee in the formulation, execution or review of broad public policy. For purposes of this section, the positions of police officer and those of department head, deputy department head, assistant department head and building and zoning enforcement officer shall be considered as involving such direct participation, and are therefore subject to the requirement of United States citizenship.

Section 4. Residence: There shall be no requirement of residence for filing an application for, or for being appointed to, any position in the classified service.

Section 5. Minimum qualifications: The Personnel Manager shall prescribe specific requirements, physical or otherwise, as in his judgment are required by the nature of the work to be performed. Such requirements shall be shown in the examination announcement.

Section 6. Rejection of application: The Personnel Manager shall reject any application or applicant if he makes a determination:

- A. That the application was not filed within the period specified in the examination announcement or was not filed on the prescribed form.



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- B. That the applicant lacks any of the required qualifications set forth in the examination announcement.
- C. That the applicant is physically unfit to effectively perform the duties of the position for which he seeks employment (as initially determined by the City physician).
- D. That the applicant has made a false statement of a material fact, or practiced or attempted to practice any fraud or deception in his application, test or attempt to secure appointment (in such event, if the applicant was appointed, the Personnel Manager may cancel the certification which effectively cancels the appointment).
- E. That the applicant was previously in the City service and was removed for cause or had resigned not in good standing; provided, however, that in the case of such a resignation, the Personnel Manager may examine the circumstances of such resignation and, if mitigating factors are found to exist, the application of such applicant may be accepted.
- F. That the applicant, after notification, did not promptly present himself at the time and place designated for the examination, including any portion of it.
- G. That the applicant has a work record of previous employment inconsistent with the standards expected of a City employee.
- H. That the applicant has previously been convicted of a crime and the crime was felony or first degree misdemeanor and related to the position of employment sought.



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Section 7. Notice of rejection of application: Whenever an application or applicant is rejected, notice of such rejection and the reasons for the action shall be given to the applicant by the Personnel Manager.

Section 8. Postponement and cancellation of examinations: Any examination may be postponed or cancelled at the discretion of the Personnel Manager. In either case, each applicant shall be notified of the postponement or cancellation and the reason(s) for the action.

Section 9. Veteran's preference: The rights of veterans, as specified in Florida Statutes Chapter 295, including any future amendments to such laws, shall apply to the City. The term "veteran" as used in this section is defined in Florida Statute Chapter 1.01(15) and is adopted by this reference.

Each person seeking to qualify for a veteran's preference shall present such documentary proof to the Personnel Division as may be necessary to establish the preference to which he may be entitled. Such proof must be presented prior to the announced date and hour of the examination the applicant chooses to take. In the case of applicants for non-classified service positions, such proof shall be presented at the time of making formal application for such position. Reliable documentation must also be presented to verify service time and separation status. Recent statements from the Veterans Administration must be presented to verify the amount of service-connected disability; provided, however that no such statement will be accepted if it is more than six months old.



RULE VIII – EXAMINATIONS

Section 1. Recruitment by examination: All appointments in the classified service shall be made according to merit and fitness. Merit and fitness shall be ascertained by examinations which shall be prepared by or under the direction of the Personnel Manager. All examinations shall be impartial and shall relate to those matters which will test fairly the capacity and fitness of the applicants to efficiently discharge the duties of the position to be filled.

Examinations may be assembled or non-assembled, and may include portions which are written or oral, as well as physical tests, performance tests, rating of training or experience, assessment exercises, or any combination of the foregoing. They make take into consideration such factors as education, experience, aptitude, knowledge, character, physical fitness or any other qualifications or attributes which, in the judgment of the Personnel Manager, enter into a determination of the relative fitness of applicants.

Section 2. Identity of examinees concealed: The identity of each person taking a competitive written test shall be concealed from the examiners by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until all test papers have been rated. Any applicant whose examination papers carry the name of the applicant, or any other identification mark, or any applicant who reveals his identification number to the Personnel Manager or to any member of his staff, directly or indirectly, shall be disqualified and the applicant so notified.

Section 3. Rating examinations: Appropriate scientific techniques and procedures shall be used in scoring and evaluating the results of examinations and in determining the relative ratings of the competitors. The Personnel Manager will determine the minimum qualifying raw score for any part or parts of an examination. Using recognized statistical methods, including the flexible passing point, raw scores will be converted to a grade which can be expressed on a scale of 0 to 100, with a grade of 70 representing the required passing score. Any applicant who fails to attain that minimum passing score on any part of the examination shall be considered to have failed the entire examination and shall not be examined on any further parts, if any are scheduled or planned.



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Preference points, if applicable, will be added to the final passing score, in which case a final score in excess of 100 will be possible. In no event will preference points be added to a score which falls below the required passing score.

The final ratings of successful competitors who have attained a passing score of 70 or above shall be rounded off to whole numbers as follows: .50 and above, the next higher rating; less than .50, the next lower rating; e.g., 81.51 = 82; 81.49 = 81. Eligible applicants attaining the same score shall have the same rank on the eligible list.

Section 4. Notification of results: Each applicant taking an examination shall be given written notice of the results and, if successful, of the final earned rating and relative position on the list.

Section 5. Inspection of papers: Any applicant shall have the right to make a personal inspection of his own completed examination within one month from the date of establishment of the list. A manifest error in rating a test or in a test procedure shall be corrected and the applicant will be placed in the proper rank on the eligibility list if the error is called to the attention of the Personnel Manager within the inspection period. Any such correction shall not invalidate any appointment previously made from such a list.

Section 6. Promotional examinations: Vacant positions in the classified service shall be filled by the promotion of employees who hold or have held a permanent full-time position in the classified service by original appointment from an open competitive register whenever in the judgment of the city manager and the personnel director it is in the best interest of the City to do so.

When the determination is made that there will be a promotional examination, the Personnel Manager shall designate the lower class or classes from which promotion is to be made and shall establish the required period of service in these classes.



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In the event that the Personnel Manager finds that the number of persons qualified to compete in a promotional examination is five or less, he may without further examination, certify as eligible for promotion the names of those persons qualified to the head of the department in which the vacancy exists.

Section 7. Announcement of promotional examination: All promotional examinations shall be publicized in advance of the examination by posting announcements on the Personnel Division bulletin board and in such other places or in any other manner as the Personnel Manager deems advisable. Copies of all such announcements shall be furnished to the departments affected.

Section 8. Unskilled and semi-skilled laborers, domestic, attendant or custodial work: Unskilled and semi-skilled laborers, domestics, attendants or custodial workers may be appointed after such noncompetitive tests of fitness as the Personnel Manager may prescribe.

Section 9. Continuous examinations: Whenever the Personnel Manager determines that applicants are not available in sufficient numbers, he may conduct examinations for such classes on a continuous non-assembled basis.

The names of successful candidates shall be placed on the appropriate eligible list in order of their relative scores without reference to priority of time of examination.

A person who competes in or is disqualified from a continuous examination for a particular class is eligible to compete in another examination for the same class after an elapsed time as determined by the Personnel Manager.

Section 10. Polygraph examinations: The City Manager shall determine and designate in writing those positions which require the passing of a polygraph examination. Persons who are not presently employed by the City or who are employed by the City in other positions shall be required to pass a polygraph examination prior to their appointment to a designated position. Employees



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who are currently employed in a designated position shall be required to pass another polygraph examination before their transfer to a different designated position. The list of designated positions shall be filed in the Personnel Office. The polygraph examination shall be administered by a qualified operator employed by the Police Department of the City of Fort Lauderdale or by such other qualified person or agency as may be approved by the City Manager.

No person taking any such polygraph examination shall be required to waive immunity from self-incrimination with respect to the use of such person's answers in any subsequent criminal proceedings.

Questions shall be specifically, directly and narrowly confined to a prospective applicant's background, qualifications and suitability for the position for which application has been made, and may include such other questions as are necessary to test the validity of the polygraph machine.

Any applicant who fails such polygraph examination shall be informed of same by the Personnel Manager or someone on his behalf, and such applicant shall be given the opportunity of disproving or explaining the results before a decision is made upon such applicant's employment. An applicant so disqualified may request another polygraph examination to be administered by another qualified operator. In such event, the polygraph operator will be designated by the City and the fee for such re-examination will be paid by the applicant.



RULE IX – ELIGIBLE LISTS

Section 1. Establishment of eligible lists: The personnel director shall establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the service. Each such list shall contain the names of those persons who are deemed by virtue of the examination process to be qualified to perform the duties required in the specific class. Such persons shall be notified and take rank upon such lists in the order of their relative grades as determined by Rule VIII, Section 3. Eligible applicants attaining the same score shall be considered to have the same rank on the eligible list.

Section 2. Duration of lists: The duration of each eligible list, and the names appearing thereon shall be not less than six (6) months nor more than three (3) years. The personnel director may extend such period by order made before the expiration of the list except that the reinstatement list shall not exceed two (2) years. No list shall be extended to a time more than three (3) years from the original establishment thereof, and a statement of the reasons for any extension shall be entered into the records of the department. Any such list, excepting those lists established as the result of continuous non-assembled examination which has been in force for more than six (6) months shall be deemed canceled upon the establishment of a new eligible list for the same class of positions.

Section 3. Reemployment lists: A regular employee who has been involuntarily separated or laid off from the city service without fault or delinquency on his part shall have his name placed on a reemployment list for the same class of position he held at the time of his separation. The name of such employee shall be placed upon the list in the order of his total continuous time served in the class. Such employee shall be eligible for reemployment for a period of two (2) years from the date of separation.

Section 4. Removal of names from lists: The personnel director may at any time remove the name of an eligible from a list for any one or more of the following causes:



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- A. At the request of the eligible.
- B. Failure to respond to notice to appear for interview within the time limited in such notice.
- C. Declination of permanent appointment.
- D. Failure to notify the personnel director of a change of address.
- E. Appointment to a permanent position through certification from a list for another class at the same or higher salary.
- F. In the case of promotional lists, upon separation, other than layoff, from the city service.
- G. In any case where the personnel director finds that an eligible is or has in any manner become disqualified for the class for which he is listed, in accordance with Rule VII, Section 6 of these rules.

Section 5. Restoration of names to eligible lists: Whenever any person's name is removed from an eligible list for any one or more of the causes mentioned in the preceding section, he shall immediately be notified thereof unless his whereabouts are unknown. Such person may, within five days from date of removal, make a written request to the personnel director for restoration of his name to such list for the duration of his eligibility. The request shall set forth the reasons for the conduct resulting in removal of the name from the list and shall further specify the reasons advanced for restoration of the name. The personnel director, after full consideration of the request, may restore the name to the eligible list or may refuse such request. The person shall be notified of the personnel director's action.



RULE X – APPOINTMENTS

Section 1. Procedure for filling vacancies: All vacancies in the classified service shall be filled by original appointment, promotional appointment, provisional appointment, reemployment, reinstatement, reallocation reinstatement, transfer or demotion. Whenever a vacancy is to be filled the department head shall make requisition upon the personnel director for eligibles for appointment to the class of position for which the vacancy exists. Such requisition shall be upon the form provided by the personnel director. If the position is permanent the personnel director shall certify to the department head the proper number of names from the appropriate list or authorize some other kind of appointment as provided in these rules.

Section 2. Priority of lists: Certification shall be made first from a reemployment list followed by a reallocation reinstatement list. In the absence of these lists, certification shall be made from any of the following lists: promotional, employment, or reinstatement as determined by the appointing authority with approval of the city manager and personnel director.

Section 3. Certification from a list:

- A. Rule of Five Scores. Upon receipt of an approved requisition for an eligible to fill a vacancy, the Personnel Manager shall certify to the requesting department head the names of the eligibles on the list for the class who qualify under the Rule of Five Scores, and the names of the eligible trainees as provided in Section 17 of Rule X of these Rules. The Rule of Five Scores provides that the names associated with the five highest scores as determined in Rule VIII, Section 3, and Rule IX, Section 1, shall be certified for each vacancy; provided, however, that a lesser number may be certified if there is an insufficient number of eligible persons on the list.

When multiple vacancies for one job classification are requisitioned by the same department, the Rule of Five Scores shall be applied on a single vacancy basis. The five highest scores will be certified for



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only one (1) vacancy and an eligible shall be appointed. The list will be reviewed and the five highest scores will be certified for the second vacancy and an eligible shall be appointed. This process will continue until all multiple requisitioned vacancies are filled.

In the case of insufficient scores on a promotional list, the Personnel Manager may augment those scores by a sufficient number from the appropriate employment list, in order to make a complete certification. The department head shall select from the eligibles certified to him the person required for the vacancy to be filled, and shall recommend to the City Manager, through the Personnel Manager, that he be appointed.

When the position to which certification is to be made is occupied at the time of certification by an incumbent employee on a provisional basis, as a result of a reallocation, such incumbent employee may be certified to such position regardless of rank upon the eligible list.

- B. Expanded Certification for Affirmative Action. The purpose of this subsection is to provide the appointing authority with the necessary flexibility to achieve the goals of the City's Affirmative Action Plan. It is intended to be a temporary measure and does not guarantee employment or promotion of minorities, women or both. It provides the appointing authority with guidelines and an increased opportunity to appoint qualified minority group members, women or both where hiring or promotional goals have been established in the City's Affirmative Action Plan. This subsection can only be applied when individual departmental goals have been adopted under the City's Affirmative Action Plan.
 - 1. The provisions of this subsection may be applied to any job category, classification or both. Such action may be taken in order to achieve departmental hiring or promotional goals for minorities, women or both in a particular job category, classification or both, based on the City's Affirmative Action



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Plan, as amended from time to time. In such cases, this subsection allows modification of the usual selection procedure by permitting certification of additional eligible minority candidates, female candidates or both, if available, who meet the criteria prescribed in this subsection.

2. When it is determined that utilization of this subsection is appropriate, a formal request from the Department Director, approved by the Personnel Manager or his designee, must be submitted to the City Manager. Upon approval by the City Manager, the Personnel Manager will certify all eligible candidates within the targeted group(s), in addition to candidates certified under the Rule of Five Scores. Utilization of an Expanded Certification does not require selection of any candidate within the targeted group.

3. When multiple vacancies for one job classification are requisitioned by the same department, the Expanded Certification procedure shall be applied on a single vacancy basis. The five (5) highest scores plus all eligible candidates falling within the targeted group(s), if available, will be certified for only one (1) vacancy and an eligible shall be appointed.

Prior to filling the next or additional vacancies, a review will be conducted to determine whether applicable affirmative action goals have been achieved. The Expanded Certification procedure may be continued or discontinued for the next vacancy in that department, based upon a request by the Department Director, and with the approval of the Personnel Manager and the City Manager. This process will continue until all multiple requisitioned vacancies are filled.

4. After consultation with the Personnel Manager, a Department Director may request authorization to utilize this subsection as to any appointment in order to achieve departmental



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affirmative action goals. All such requests must be approved by the City Manager. The request will contain the following information:

- (a) The affirmative action goals applicable to the job classification, category or both.
- (b) A statement from the Personnel Manager that, if the Expanded Certification procedure is not utilized, there will be an absence of minorities, females or both located in the portion of the eligibility list (Rule of Five Scores) that would ordinarily be certified to the appointing authority.
- (c) The name, rank, sex and minority group of each additional eligible candidate to be certified pursuant to this subsection.

5. The Expanded Certification procedure may not be utilized:

- (a) In the absence of an established departmental affirmative action goal.
- (b) When sufficient minority group members, females or both are ranked at a certifiable level on the eligibility list for the job classification, category or both in question.
- (c) When there is an absence of minorities, women or both on the eligible list.



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6. Hiring and promotional goals applicable to this subsection will be those contained in the City's Affirmative Action Plan, as developed, implemented and amended from time to time by the City Manager. The City Manager will review the results arising from use of the provisions of this subsection and report annually to the City Commission regarding progress achieved toward meeting the City's affirmative action goals and the need, if any, for continued use of the Expanded Certification procedure.
7. The provisions of this subsection will be reviewed annually by the City Commission, and will automatically become null and void with respect to any job category in which the goals established by the City's Affirmative Action Plan, as amended, are achieved.

Section 4. Incomplete certification: When the number of names (irrespective of the number of scores) available for filling any vacancy is fewer than five (5) the department head, with the approval of the city manager, may decline certification for that vacancy and request that the vacancy be filled by provisional appointment or in any other manner provided in these rules.

Section 5. Notice of certification to the eligible: Whenever the name of an eligible is certified the eligible shall be sent written notice of his certification. Such notice shall state the time within which he must report for interview.

Section 6. Waiver of certification: Eligibles may waive certification upon filing reasons satisfactory to the personnel director. Waivers must be filed with the personnel director within five (5) days from the date of notification of certification and, if approved, the name of such eligible shall not be certified until waiver has been withdrawn upon written request therefore. Failure to execute a satisfactory waiver or to report for interview within the time indicated shall be deemed sufficient cause for removing the name of such eligible from the list.



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Section 7. Provisional appointment: Whenever there are urgent reasons for filling a regular position in a class for which appropriate lists or the required number of eligible are not then available, the personnel director may authorize the vacancy be filled by a provisional appointment.

In such case, preference for provisional appointment shall be given first to persons whose names are on appropriate lists; secondly, to persons in the city service whom the personnel director finds to be qualified; thirdly, to persons who have applied for appointment as regular employees and whom the personnel director believes to be qualified. Provisional appointments shall be terminated at such time as the required certification and appointment can be made from a list and shall be for not longer than four months.

Section 8. Temporary appointment: Temporary appointments may be made of persons whose employment is expected to be of a seasonal nature or whose services are required for a special job or project and when it is expected that the services of such persons will be no longer necessary at the close of season or upon completion of such special job or project for which they have been appointed. Temporary assignments may also be made to fill vacancies resulting from regular employees on authorized leave of absence.

Such appointments shall be made from the appropriate list insofar as practicable and shall be for a specified period. The acceptance of such appointment by an eligible shall not affect his standing on the list for permanent appointment.

Section 9. Job Reallocation:

- (a) If, as a result of the study of a permanent position, it is determined the position shall be reallocated to a class with a higher salary range, and the incumbent employee fully meets the requirements of the class including any required licenses, certifications, or performance skills and abilities, the incumbent employee may be permanently appointed to the reallocated position and shall be subject to successful completion of a probationary period. If the



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incumbent employee has not previously passed such performance skills and abilities test(s), the employee shall be tested before the recommended reallocation may become effective. This testing shall be completed as soon as possible, but not later than fourteen (14) calendar days from the date of the recommendation to reallocate the position. The position of an employee who fails to take the test shall not be reallocated. An employee who fails to qualify on the performance test(s) shall be permitted one (1) reexamination no later than fourteen (14) calendar days from the date of the first testing. If the employee fails to qualify upon reexamination, such employee's position shall not be reallocated. The employee may not be considered for reallocation to that particular higher class for which said employee twice took and failed the examination for a six (6) month period from the date of the second testing. An employee who qualifies on the performance test(s) shall be permanently appointed to the reallocated class and shall be subject to successful completion of a probationary period.

- (b) When a position is reallocated to a class with a lower salary, the incumbent employee shall be entitled to a vacant position in such incumbent's class or in a similar class and to serve therein without change in status. In the event that such a transfer cannot be affected at the time of the reallocation, the incumbent employee shall be assigned to the lower class. The incumbent, if a regular employee, shall be placed on a reallocation reinstatement list for the higher class and shall be reinstated to any future vacancies in that class in accordance with the procedures and regulations established by these rules.
- (c) When a position, occupied by a regular employee is reallocated to a class in the same salary range and with substantially the same qualification requirements, the personnel manager may grant the incumbent employee status in the new class.

Section 10. Emergency appointment: Emergency appointments may be made by the City Manager in case of riot, conflagrations or other emergency which threatens life, property or the general welfare of the city. Such appointments



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shall continue only during the period of such emergency and shall not continue longer than thirty calendar days.

Section 11. Reinstatement: Any regular employee who has resigned in good standing may, within two years from the effective date of his resignation, at his written request and with the approval of the city manager and the personnel director, be reinstated to a vacancy in the same class or position held at the time of this resignation, provided there are no regular employees who have been laid off and whose names appear on the reemployment list for the class. Such reinstated employees shall be treated as a new entrant.

Section 12. Transfer: A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications excepting that in no case shall an employee be transferred to a class having a higher maximum salary than the class from which the transfer is made. Transfers must be approved by the department head affected, the personnel director and insofar as practicable the employee concerned and shall be executed on the prescribed form.

Section 13. Demotion:

- A. A position may be filled by the demotion of a regular employee in accordance with the procedure for demotion as outlined in Section 5 of Rule XII.
- B. An employee may also be demoted upon his own initiative with the approval of the personnel director and department head concerned, and shall receive status in the new class, if he has status in present class.

Section 14. Probationary period: The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of



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the new employee to his position, and for rejecting an employee whose performance does not meet the required work standards.

All appointments shall be probationary and subject to a probationary period of one year from date of appointment, save and except promotional appointments shall be subject to a six month probationary period from date of appointment. The personnel director may grant status to persons appointed from a reemployment list or through transfer without a probationary period. The department head shall make such periodic reports during an employee's probationary period as the personnel director may require and shall notify the personnel director at least ten calendar days prior to completion of the probationary period whether the services of the employee have been satisfactory and whether he will continue the employee in his position. Such notice shall be on the prescribed form and a copy shall be given to the employee. At any time during the probationary period, the city manager may remove an employee whose performance does not meet the required work standards, provided that he shall notify the employee and the personnel director of the reasons for such action. The personnel director may reinstate the employee to the eligible list should such action appear to be in the best interest of the city. If an employee promoted to a higher class as a result of appointment from a promotional list is found unsuited for the work of the class during the probationary period he shall be reinstated to a vacant position in the class from which he was promoted. If no vacancy exists, the name of such employee shall be placed on the appropriate reemployment list.

Section 15. Medical examinations: Applicants for positions in the city service may be required to undergo examinations to determine physical and mental fitness to perform work in the position to which an appointment is to be made.

All employees of the city during their period of employment may be required by the personnel director or by their department head with the approval of the personnel director to undergo examinations to determine their physical or mental fitness, or both, to perform the work of the position in which they are employed. Such examinations shall be at no expense to the employee.



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Determination of physical or mental fitness will be made by one or more physicians, psychologists or both, designated by the personnel director.

When an employee of the city is reported by the examining physician, psychologist or both, to be physically or mentally unfit to perform work in the position in which he is employed, such employee may, within five days from the date of his notification of such determination, state in writing to the personnel director his intention to submit the question of his physical or mental unfitness to a physician, psychologist or both, of his own choice. In the event there is a difference of opinion between the examining physician or psychologist and the physician or psychologist chosen by the employee, then a physician or psychologist shall be mutually designated by the examining physician or psychologist and the physician or psychologist chosen by the employee, whose decision shall be final and binding as to the physical or mental fitness of the employee to perform the work of the position in which he is employed.

Applicants and eligibles determined to be physically or mentally unfit for service shall not be considered for appointment. An employee finally determined to be physically or mentally unfit to continue in the position in which he is employed may be demoted in accordance with these rules or separated from city service.

Section 16. Appropriate list: The personnel director may certify to a vacancy applicants from eligible lists of classes other than the class of vacancy if, in his judgment, the lists are appropriate due to similar qualifications and/or examination and the same or a higher classification than the class of vacancy, and there is an insufficient list for the specific class vacancy.

Section 17. Employment of persons as trainees: When the city has been unable to recruit qualified applicants, or when it is determined to be in the best interests of the city, the personnel director may authorize permanent positions to be filled by the appointment of persons as trainees.



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For each job classification in which a trainee is employed, the personnel director shall designate the required length of the training period and other qualifications or requirements which a trainee must satisfactorily complete or possess before being eligible for permanent appointment, including, but not limited to, formal education, licenses and various certifications.

Trainees shall have the status of temporary employees for the period of their training.

Upon completion of the specified training requirements and upon the receipt by the personnel director of a satisfactory performance rating report, trainees will be permitted to participate in the competitive qualifying examination, prepared by or under the direction of the personnel director, to determine fitness and eligibility for permanent appointment. A trainee who attains a passing score on such examination will be certified by the personnel director as eligible for permanent appointment to a position in the class for which the examination was given. The personnel director shall also certify eligible applicants in accordance with Personnel Rule X, Section 3.

A trainee who successfully completes the qualifying examination and receives a permanent appointment in the class for which he or she is training will be assigned an employment anniversary date for benefits and longevity determination, which employment anniversary date shall be the date of appointment as a trainee in such class.

A trainee who does not attain a passing score in the qualifying examination may be granted an extension of the training period for not more than six months, upon written recommendation of the appointing authority and approval by the personnel director. At the completion of an extension of the training period, the trainee will be permitted to repeat the examination. Only one such extension and reexamination will be allowed.

A trainee who fails to qualify for permanent appointment or who receives an unsatisfactory performance rating report shall be terminated after reasonable notice.



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*Section 18. Return to Classified Service: Any employee in the classified service who is appointed or assigned as a department director or to any other position in the nonclassified service, who is removed from such position for any reason other than misconduct, shall be permitted to return to the highest job class previously held in the classified service, provided a vacant position in such job class. In cases where no such vacant position exists, the city manager shall consider the employee's length of service and contribution to the organization and, based upon such review, may authorize a non-budgeted position for such employee until a budgeted position becomes vacant. The Police Chief and the Fire Chief can be removed with or without cause. In the event the Police Chief or the Fire Chief is removed for any reason other than misconduct, he shall be entitled to return to his highest job classification.

*Amended by Resolution No. 18-12 dated 1/23/18.



RULE XI – GENERAL PERSONNEL POLICIES AND PROVISIONS

Section 1. Hours of work: The city manager shall establish hours of work, which insofar as practicable shall be uniform within occupational groups, which shall be determined in accordance with the needs of the service, and which shall take into account the reasonable needs of the public who may be required to do business with various city departments. Public necessity of an occasional nature may require reasonable overtime on the part of city employees. Employees who work over stipulated hours whenever necessity demands additional service of an occasional nature shall be compensated at the overtime rate or given compensatory time off in accordance with and subject to the provisions of Section 2-29.6 of the Pay Plan. Employees shall be paid for legal holidays, and those called to work, except those of the police and fire departments, shall also be paid for the time worked at the regular rate or as provided in Section 3 of this rule. Hourly rate employees must work their regular work days immediately before and after the holiday in order to receive pay for the holiday. However, this requirement is waived during such times that employees are required to take unpaid furlough leave due to changes in the city's financial condition. Part-time employees shall not be entitled to holidays with pay. For purposes of benefit accrual under Sections 3, 4 and 6 of this Personnel Rule, the term working day shall be construed to mean an eight (8) hour day.

Section 2. Legal and personal holidays:

- (a) Legal holidays. Legal holidays to be observed by City employees, unless such employees are otherwise required to be on regular duty, are identified as follows: New Year's Day (January 1), Martin Luther King's Birthday (Third Monday in January), Memorial Day (Last Monday in May), Independence Day (July 4), Labor Day (First Monday in September), Veterans Day (November 11), Thanksgiving Day (Fourth Thursday in November), Day Following Thanksgiving, and Christmas Day (December 25).



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If a fixed-date holiday falls on a Saturday, the preceding Friday shall be observed as the holiday recognized by the City. If a fixed-date holiday falls on a Sunday, the following Monday shall be observed as the recognized holiday.

- (b) Personal holidays. Effective with the City fiscal year beginning retroactive to October 1, 1986, and for the fiscal year thereafter, regular, probationary and temporary full-time employees are eligible to earn up to two (2) personal holidays. Effective with the City fiscal year beginning October 1, 1988, and for each such year thereafter, such employees are eligible to earn up to three (3) personal holidays, as provided below:
 - (1) The first personal holiday. Regular employees, and probationary and temporary full-time employees who have completed three (3) months of continuous service as of the earning date, shall earn the first personal holiday after completion of twenty (2) working days in an active pay status in the fiscal year.
 - (2) The second personal holiday. Regular employees, and probationary and temporary full-time employees who have completed six (6) months of continuous service in the fiscal year shall earn the second personal holiday after completion of forty-five (45) working days in an active pay status in the fiscal year.
 - (3) The third personal holiday. Effective October 1, 1988, and for each fiscal year thereafter, regular, (probationary and temporary full-time employees shall earn the third personal holiday upon completion of the same time requirements which apply to the second personal holiday.



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The previously described personal holiday leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system.

Upon conversion to the hourly leave accrual system personal holidays shall be converted to vacation leave for ease of administration. The conversion is not intended to change the amount of leave an employee is eligible to earn in a twelve (12) month period; the purpose of the change is to simplify the administration of the leave accrual program.

- (c) Procedures. Procedures for the administration of both legal and personal holidays shall be prescribed by the Policy and Standards Manual (P.S.M.) of the City.

Section 3. Vacation leave: Each regularly employed full-time employee shall earn vacation leave at the rate of one (1) working day per month of continuous service, provided that the maximum vacation leave earned during one (1) year by such employee shall not exceed twelve (12) days; and provided further, that such employee shall, on the anniversary date of his employment, be credited with one (1) additional day of vacation leave for each full year of continuous service over five (5) years, provided that such additional longevity vacation leave for any employee shall not exceed the number of working days in two (2) of his regular workweeks.

Employees in those job classes designated in Rule VI, The Compensation Plan, as management classes, shall on January 1st of each year be credited with additional vacation leave according to applicable provisions of the City Pay Plan ordinances.

For purposes of vacation leave uniformed members of the fire department shall be considered as working a five-day week.



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Members of the uniformed services of the police and fire departments and such other employees required to be on regular duty on legal holidays and who receive no additional compensation for holiday work shall be credited with additional vacation leave equal to the number of legal holidays listed in these Rules and such other days as may be designated by the City Commission. These additional vacation days will be credited in the month the holiday occurs.

In computing vacation leave earned only those months shall be counted during which an employee worked three-quarters (3/4) or more of his regular workdays. Days worked shall include days for which leave with pay was authorized. (Upon conversion to the hourly leave accrual method, this provision will no longer apply – see below).

Vacation leave may be taken as earned subject to the approval of the department head who shall schedule vacations so as to meet the operating requirements of the department; provided, that vacation leave shall not be granted to employees with less than six (6) months of continuous service.

Employees may accrue vacation leave to a maximum of the leave earned in two anniversary years. From June 28, 2020 through December 26, 2020 the accrual maximum shall be lifted. On December 27, 2020 any vacation hours over the 2-year anniversary maximum shall be forfeited. In the event an employee has been unable to take advantage of vacation leave as earned, with the result that said employee has accumulated the maximum, he may absent himself from work, after giving his supervisor 3 days notice, in order to prevent the loss of vacation leave beyond the maximum. The conversion of personal holidays to vacation leave described in Section 2 of this rule does not increase the maximum amount of vacation leave employees will be paid for upon termination of city employment. For example, employees with a current maximum vacation accrual of 44 days (12 vacation days each year for two anniversary years plus 10 longevity vacation days for two anniversary years) or 352 hours (44 days x 8 hours for each vacation and longevity vacation day earned) will remain at that maximum vacation leave payout amount.



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Provisional and temporary employees shall be entitled to the same vacation leave allowance to which regular employees are entitled in accordance with the provisions of this section.

Part-time employees shall not be entitled to vacation leave.

Employees who have completed six (6) or more months of service shall upon leaving the city's service in good standing, be compensated for vacation leave accrued to the date of separation.

The previously described daily vacation leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system. The conversion is not intended to change the amount of leave an employee is eligible to earn in a given time period; the purpose of the change is to simplify the administration of the leave accrual program.

Upon conversion to the hourly leave accrual program, employees will be credited with any longevity vacation leave earned, but not posted, as of the date of implementation. As stated in Section 2 of this Rule, upon conversion to the hourly leave accrual program, personal holidays shall be converted to vacation leave for ease of administration. In the event that these conversions result in an employee exceeding the maximum allowable accrued vacation leave, such leave shall not be forfeited immediately. Affected employees shall have six (6) months from the date of conversion to utilize the excess leave. If the excess leave is not utilized within the six (6) month period, it shall be forfeited consistent with the other provisions of this rule. Also, because employees will be earning vacation leave based upon paid work hours in a month, the requirement that employees work three-quarters (3/4) or more of the workdays in a month to accrue vacation leave for that month will no longer apply. Employees not in a pay status for all work hours in a month will simply earn less than the full allotment of vacation leave for that month.



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In the event the city requires employees to take unpaid furlough leave due to the financial condition of the city, such unpaid furlough leave will not impact the accrual of vacation leave.

Section 4. Sick leave: Sick leave with pay shall be granted to full-time employees to provide continued income during employee illness. Sick leave shall not be considered as a right which an employee may use at his discretion, but rather as a privilege which shall be allowed only in case of personal illness or disability, legal quarantine because of exposure to contagious disease, or in the case of illness in the immediate family. No more than ten working days in any calendar year may be taken as sick leave because of illness within the immediate family.

Sick leave shall accrue to permanent and probationary full-time employees at the rate of one (1) day per month provided that the employee has worked three-quarters or more of his regular workdays. (Upon conversion to the hourly leave accrual method, this provision will no longer apply – see below). Days worked shall include days for which leave with pay was authorized. Such leave shall be computed on an anniversary year basis. There shall be no regressive computation of sick leave. Sick leave pay will normally be paid at the same rate as a regular workday pay, except in those instances where other city benefits, excluding social security, may supplement. In such instances, the city manager shall determine a uniform formula for sick leave pay amount and use to preclude payments in excess of regular pay.

Temporary full-time employees shall accrue eight (8) hours of sick leave for each quarter year (3 months) after one (1) full year of employment.

In computing sick leave taken, employees of the fire department working a twenty- four (24) hour shift shall be charged two (2) days sick leave for each shift not worked because of illness. All other employees shall be charged one (1) day sick leave for each day not worked because of illness.

An FLSA exempt employee, who is absent due to sickness or disability for less than one full workday and whose accrued sick leave or other accrued



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leave balance is inadequate to cover the absence, shall be paid at the regular rate of pay for that portion of the day of absence not covered by accrued leave so long as the employee has in fact worked a portion of that day.

An FLSA exempt employee who is absent due to sickness or disability for one full workday and whose accrued sick leave or other accrued leave is not adequate to cover the absence, shall not be paid for that portion of the day not covered by accrued leave.

Sick leave taken because of illness or injury or converted to vacation leave or a cash payment shall utilize the most recently accrued sick leave. Sick leave shall accrue at the rate of pay in effect at the time such leave is earned. All sick leave accrued prior to October 1, 1977, shall accrue at the rate of pay in effect as of October 1, 1977.

A maximum ninety (90) days sick leave may be accrued at any time unless the employee's anniversary date of employment is prior to October 1, 1977, in which case there shall be no limit on the number of days of accrual. In order for employees to accumulate ninety (90) days for sick leave usage, a cap of one hundred two (102) days will be established. The 90 day maximum will apply to any payment of accrued sick leave upon termination or retirement.

In order to be granted sick leave with pay an employee must meet the following conditions:

- A. Notify his immediate supervisor not later than two (2) hours after the beginning of the scheduled workday of the reason for such employee's absence, or within a lesser time frame if required by the department head.
- B. Permit such medical examination, nursing visit or inquiry which the city deems appropriate.



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- C. File a written request for such sick leave on the form and in the manner to be prescribed, and submit, where reasonable and if requested by the department head, a medical certificate signed by a physician stating the kind and nature of the sickness or injury, that the employee has been incapacitated for work for the period of absence and that he is again physically able to perform his or her duties.

Claiming sick leave when physically fit shall be cause for discharge from city employment.

Conversion of sick leave is permitted: however, the first thirty (30) days of accrued sick leave shall not be subject to the conversion privileges. Any conversion of sick leave to vacation leave is subject to approval by the employee's department head who will review such requests based upon the department's staffing and operational needs.

When an employee has accrued more than thirty but less than ninety days of sick leave, the employee may convert the unused balance of any sick leave earned in the previous anniversary year not to exceed six days, to either days of vacation or to a cash payment payable at the rate of 50% of the employee's current rate of pay.

When an employee has accrued a minimum of 90 days of sick leave, the employee may convert the unused balance of any sick leave earned in the previous anniversary year, not to exceed twelve (12) days, to either days of actual vacation or to a cash payment payable at the rate of 50% of the employee's current rate of pay. On the date an employee hired on or after October 1, 1977, reaches one hundred two (102) days of accrued sick leave, conversion of twelve (12) days accrued sick leave will be automatically made to cash payment payable at the rate of fifty percent (50%) of the employee's current rate of pay.

All vacation leave resulting from a conversion of sick leave converted to vacation leave must be taken prior to the employee's next anniversary date,



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retirement or separation from city employment. If the employee does not so utilize such vacation leave, such leave shall automatically be reconverted to sick leave at the original value.

Retiring employees may convert accrued sick leave to final vacation leave in accordance with the following schedule; provided, however, no more than twelve (12) of such accrued sick leave days may be converted to final vacation leave:

10 years of service or less	.5 days vacation leave for one day sick leave
Greater than 10 years service But less than 20 years	.65 days vacation leave for one day sick leave
20 years or longer service	.80 days vacation leave for one day sick leave

The previously described daily sick leave accrual system shall remain in effect until such time that the City implements an updated payroll/human resources computer system and converts to an hourly leave accrual system. The conversion is not intended to change the amount of leave an employee is eligible to earn in a twelve (12) month period; the purpose of the change is to simplify the administration of the leave accrual program. However, because employees will be earning sick leave based upon paid work hours in a month, the requirement that employees work three-quarters (3/4) or more of the workdays in a month to accrue sick leave for that month will no longer apply. Employees not in a pay status for all work hours in a month will simply earn less than the full allotment of sick leave for that month.

In the event the city requires employees to take unpaid furlough leave due to the financial condition of the city, such unpaid furlough leave will not impact the accrual of sick leave.



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Section 5. Floating Holiday: Each regularly employed full-time employee shall earn a floating holiday for any calendar year in which the employee does not take any sick leave. A probationary term may be used to qualify for a floating holiday if the probationary employee works a calendar year full-time without taking any sick leave, and if the employee successfully completes probation before the end of that calendar year. The floating holiday shall accrue on January 1, immediately following the calendar year of unused sick leave. The floating holiday may be used as one day of leave with pay for a day approved by the employee's department head. Such holiday must be used during the calendar year subsequent to the year in which it accrued. Such holidays shall not be accrued and an unused floating holiday cannot be converted to a cash payment.

Section 6. Leave with pay: Leave with pay may be authorized in order that regular employees may serve required jury duty, provided that such leave is reported in advance to the personnel director. Such employee shall be entitled to pay in a total amount equal to the employee's regular, full pay, less that amount received by the employee for his jury service.

Leave with pay may be authorized for any regular employee who is required to appear as a witness, as a result of his employment with the City, in any administrative hearing, court hearing, trial, or deposition in connection therewith, provided that such leave is reported in advance to the personnel director. Such employees shall be entitled to pay in a total amount equal to the employee's regular, full pay, less that amount received by the employee as his witness fee. Leave with pay not to exceed *forty (40) hours per occurrence may also be authorized in case of death within the immediate family.

Leave with pay may be authorized by any FLSA exempt employee who is absent for less than one full workday and whose accrued leave balance is inadequate to cover the absence so long as the employee has in fact worked a portion of that day.



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*Amended by Resolution No. 18-11 dated 1/23/18.

Section 7. Leave without pay: An employee may be granted leave of absence without pay for a period not to exceed one year for sickness, disability or other good and sufficient reasons which are considered to be in the best interests of the city. Such leave shall require the prior approval of the department head and the personnel director.

Except in the case of military leave, leave without pay will not be granted until all available and appropriate leave balances are exhausted.

Leave of absence may be granted to an employee without limitation as to time to enable him to take an appointive position in the city service.

Except under unusual circumstances, voluntary separation from the city service in order to accept employment not in the city service shall be considered as insufficient reason for approval of a request for leave of absence without pay. If for any other reason, leave of absence without pay is given, such leave of absence may subsequently be withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of these rules.

Nothing in this section should be construed as modifying the provisions in Section 4 and Section 6 of this Rule which address the granting of leave without pay to FLSA exempt employees.

Section 8. Prohibitions:

- A. No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political or religious opinions or affiliations or his race.



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- B. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- C. No person shall use or promise to use, directly or indirectly any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position in the classified service, or an increase in or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration.
- D. The political activities of any officer or employee of the City of Fort Lauderdale, whether in the classified or nonclassified service, shall be in accord with and regulated by Florida Statute 104.31, as it may be amended from time to time.
- E. No person elected to public office in the City of Fort Lauderdale shall, during the period of time he or she holds such office, be appointed to any position in the classified service in the City of Fort Lauderdale.
- F. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of the charter and these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of the charter and these rules.
- G. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.



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- H. No employee, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under the charter and these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.
- I. Any person or employee who violates any of the provisions of this section shall forfeit his office or position.

Section 9. Employee rights of appeal:

- A. Any regular employee, who is suspended, dismissed, demoted or who claims that a personnel rule or rules have been improperly applied or misinterpreted to the employee's detriment may appeal to the Civil Service Board within 30 days after such action is taken or 30 days from the date the employee, by use of reasonable diligence, should have become aware of the action causing the appeal. If the employee claims that one or more rules have been improperly applied or misinterpreted to that employee's detriment, the employee shall identify in writing both the rule(s) and the reasons supporting such claim. The appeal must be timely filed with the personnel director, who shall be responsible for scheduling the hearing. Upon such appeal, the appealing employee and the city management staff shall have the right to be heard and to present evidence. At the hearing of such appeal, technical rules of evidence shall not apply. The board, each member of the board, and the secretary to the board shall have power to administer oaths, subpoena witnesses, and compel the production of documents pertinent to any investigation or appeal. The board shall make the final decision disposing of the appeal. If such final decision is in favor of the employee, the employee shall be reinstated by the city manager to his position without loss of pay and benefits.



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When any regular employee is dismissed and not ordered reinstated after appeal by the board, the board may direct that his name be placed on an appropriate reemployment list which direction shall be enforced by the secretary.

A reprimand, whether written or oral, as well as any Equal Employment Opportunity grievance, is not an appealable matter unless accompanied by suspension, dismissal or demotion. Equal Employment Opportunity grievances shall be appealed pursuant to the procedures established in the applicable Affirmative Action Plan of the city, or as otherwise provided by applicable federal or state law.

- B. An appeal to the board may also be taken by a regular employee who is suspended or laid off, or whose payroll voucher the personnel director refuses to certify, and who claims that the suspension or layoff or refusal to certify payroll voucher was made for insufficient reasons. If the board finds that the employee was suspended or laid off or that the personnel director refused to certify a payroll voucher for insufficient reason, the employee shall be reinstated without loss of pay and benefits.

- C. Any regular employee submitting an appeal shall be granted a hearing by the board at the earliest practicable date. The hearing before the board, if possible, shall be limited to one day. The board shall announce its decision upon completion of the hearing. The board shall then render its decision in a written order as soon as practicable after the hearing. Whenever, under the provisions of this section, an employee shall be reinstated to his position without loss of pay, the computation of such retroactive pay and benefits shall exclude periods of time having elapsed due to delays occasioned by or attributable to that employee or the employee's representative.



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- D. Any regular employee who after having inspected his examination papers as provided in Rule VIII. Section 6, wishes to appeal the decision of the personnel director in regard to an alleged error in rating a test or test procedure to the employee's detriment, may appeal to the board as provided in this section.

Section 10. Presentation of employee grievances:

- A. Policy: It shall be the policy of the City of Fort Lauderdale to provide a procedure for the presentation and mutual adjustment of points of disagreement which arise between employees and their supervisors, and to assure employees that their problems and complaints will be considered fairly, rapidly and without reprisal.
- B. Purpose: The primary purpose of this grievance procedure is to determine what is right rather than who is right. Free discussion between employees and supervisor will lead to better understanding by both of practices, policies and procedures which affect employees. This will serve to identify and help eliminate conditions which cause misunderstandings and grievances.

This purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike must recognize the true purpose of the grievance procedure if it is to be of value in promoting the well-being of the organization.

- C. Definition of a grievance: A grievance is a complaint, a view, or an opinion pertaining to employment conditions, to relationships between an employee and his supervisor or to relationship with other employees.

Employees should first discuss any problem or complaint which is in the nature of a grievance either with their immediate supervisor or with the personnel director. In many cases, the



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personnel director, with the employees consent, will be able to work out a satisfactory solution or to advise the employee regarding further presentation of his grievance.

Whether or not the employee takes his problem first to the personnel director, the following procedure will be adopted for the presentation of all grievances not resolved by the personnel director.

D. Procedure for presentation of grievances:

1. Discuss with supervisor: The employee shall first take his grievance to his immediate supervisor who shall make a decision and advise the employee within three working days. It is not necessary or desirable that the grievance be presented in writing to the supervisor.

Supervisors are encouraged to consult with their division heads, department heads, the personnel director, or any other individual who may be qualified to offer assistance or information which will aid the supervisor to reach a mutually equitable decision.

2. Appeal to department head: If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if a decision is not made by him within three working days, the nature of the grievance and the desired resolution may be submitted in writing by the employee to his department head. This request must be filed by the employee not later than three working days after receipt of the supervisor's decision or six working days after the original grievance was first taken to the supervisor, whichever first occurs.



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A duplicate copy should be sent by the employee to the personnel director who shall review the grievance and within five working days, notify the employee and his department head whether the grievance is subject to established ordinances, administrative regulations or these rules.

Upon receipt of notice from the personnel director that the grievance is not subject to established ordinances, regulations or rules, the department head shall then have the responsibility for settling the grievance and shall inform the employee in writing of his decision within five (5) working days. Grievances which are subject to charter, ordinance, administrative regulation or these rules shall be handled as provided therein.

3. Appeal to the city manager: If the disposition of the grievance by the department head is not satisfactory to the employee or if a decision is not made within five working days, the employee may, in writing, request his department head to refer his grievance to the city manager. All such requests will be forwarded to the city manager by the department head without delay.

This request must be filed by the employee within five working days after receipt of the department head's decision and, in any case, not later than 10 working days after he sent the original request to the department head. A copy of his request for review by the city manager shall be sent by the employee to the personnel director.

The city manager, upon being notified by the department head of an appeal may affirm, deny, or modify the decision of the department head, or he may refer the appeal to the personnel director for submission to a grievance committee. In the event the department head has



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reached no decision within the allotted 5 working days, the city manager may decide the case himself or refer the matter to the personnel director for submission to a grievance committee. The city manager will act upon an appeal within 10 working days.

4. Appointment of a grievance committee: When the personnel director is so notified by the city manager, he shall assemble a grievance committee within 10 days following receipt of such notice. A grievance committee shall be composed of three members. One member shall be the employee or his representative, one member shall be the department head or his representative, and the third member, who shall serve as chairman, shall be selected and mutually agreed upon by the first two. If an agreement cannot be reached, the personnel director shall appoint the third member.

The chairman of the grievance committee shall schedule a hearing to be held within 15 days, at a suitable time and place, and shall so notify his committee members, the employee, the department head, and the personnel director.

5. Decisions of grievance committee: Within 10 days following the conclusion of the hearing, the grievance committee shall supply the city manager with four copies of its report and recommendation, as approved by a majority of the committee.

Upon receipt of the committee's report and recommendations, the city manager shall put in writing the course of action he intends to follow and shall forward one copy of his decision and one copy of the committee's report and recommendations to the department head; one copy of each to the employee; and one copy of each to the personnel director. The fourth copy shall be retained by the



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city manager. The decision of the city manager, following consideration of the report and recommendations of the grievance committee, shall be final and the employee shall have no further right of administrative appeal.

- E. Appeal to the civil service board: The charter and these rules grant to regular employees the right to have reviewed by the civil service board action leading to the removal, suspension, or reduction in rank of the employee.

It is not intended that the grievance procedure herein set out conflict with, supersede, or in any way jeopardize this right. Rather, it is expected that this procedure will apply to prevent problems, complaints, or disputes from becoming so serious as to necessitate a personnel action subject to civil service board review.

Section 11. Employee performance rating: Employee performance rating reports relative to the conduct, capacity and performance of all regular employees shall be made by department heads at least once each year on the form and in the manner prescribed by the personnel director. Such ratings may be considered in determining within-range salary increases or decreases, as a factor in promotional examinations, as a factor in determining the order of layoff in the case of a reduction in force, and as a factor in any other personnel transactions where it is not contrary to the city charter or these rules.

Section 12. Tuition Refund:

- (a) The City of Fort Lauderdale will, upon approval of the appropriate department head and the city personnel director, pay the tuition of regular employees for eligible educational, vocational, technical or adult training programs. An eligible program is one that, in the judgment of the personnel director and the appropriate department head, is directly related to the employee's current position or to be related higher position, and which will improve present job performance or prepare the employee for promotion. To qualify for a tuition refund, prior written approval must be



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obtained from the department head and the personnel director before any class work is undertaken.

- (b) Eligible regular employees will be entitled to a refund of tuition upon the successful completion of each approved course, based upon the following scale:

Grade	Refund
A	100%
B	75%
C	50%
D or below	None

For educational program, a refund shall be paid for a maximum total of 24 semester hours or 36 quarter hours in any calendar year. For a vocational, technical, or adult training program, a refund shall be paid for a maximum total of 288 classroom hours in any calendar year. If no letter grade is given by the school, either formally or informally, the refund will be based on 75% of the tuition cost for the course; however, the personnel director shall endeavor to secure from the institution or instructor an informal letter grade if no formal letter grading system is used.

For an educational program, the refund shall be based upon and shall not exceed the established credit hour rate of tuition as charged by Florida public universities and colleges. For a vocational, technical or adult training program, the refund shall be based upon and shall not exceed the established rate of tuition as charged by the School Board of Broward County, Division of Vocational, Technical and Adult Education. Established rates of tuition shall be those in effect at the time the course is undertaken, regardless of the fact that the employee may be attending a private institution.



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- (c) If an employee terminates or is terminated from employment with the city within two (2) years following the completion of any eligible educational, vocational, technical or adult training program for which the employee received a refund, then the amount of tuition refund shall be immediately repaid by the employee to the city. Should an employee fail to immediately reimburse the city for the amount of such refund, the city may deduct the refund amount from any salary or wages due to the employee from the city.

- (d) Any regular employee who is approved for attendance in any eligible educational, vocational, technical or adult training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for textbooks, lab fees, or any other expenses. An accredited institution is defined as an institution accredited by one of the accrediting agencies or associations recognized by the U.S. Secretary of Education. Other accrediting bodies may be considered and approved on an individual basis by the personnel director. For vocational, technical or adult education training programs, a printed outline of the course work required must be provided by the school. No course work shall be performed during working hours unless the employee's department head approves use of authorized leave with pay for this purpose.

- (e) Within thirty (30) days of the completion of approved course work, the employee shall present the original transcript notification, a Certificate of Satisfactory Completion or both to the civil service department in order to be eligible for any tuition refund.



RULE XII – SEPARATION AND DISCIPLINARY ACTION

Section 1. Resignation: Any employee wishing to leave the City service in good standing shall file with his department head, at least two weeks before leaving, a written resignation stating the date the resignation shall become effective and the reason for leaving. The resignation of a department head shall be submitted to the City Manager. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City. Department heads shall accept or reject the written resignation of any employee under his supervision. The City Manager shall accept or reject the resignation of a department head. The acceptance or rejection shall be reduced to writing and furnished to the employee by the department head or the City Manager not later than ten (10) days after the letter of resignation is received from the employee. If a resignation is rejected, the reason for the rejection shall be included in the written response. The City Manager and department head shall forward all notices of resignation to the personnel director immediately upon receipt, followed by a copy of the acceptance or rejection responding to the resignation. All resignations shall be deemed final when accepted and no resignation may be withdrawn or rescinded after acceptance without the approval of the City Manager.

Section 2. Layoff: An appointing authority may lay off any employee in the classified service (except as noted in Sec. 69 of the Charter) whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization; however, no regular employee shall be laid off while there are temporary, provisional or probationary employees serving in the same class of position for which the regular employee is eligible and available.

Whenever the layoff of one or more employees shall become necessary the appointing authority shall notify the personnel director, at least ten days in advance, of the intended actions and the reasons therefore. The personnel director shall thereupon furnish to the appointing authority the names of the employees to be laid off in the order in which such layoff shall be effected.



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Such layoff shall be made within classifications (other than uniform police and fire classes) of positions and departments when probationary and regular employees are involved. Temporary and provisional employees, irrespective of department, shall be laid off, in that order, prior to layoff of probationary or regular employees.

The order of layoff shall be in reverse order of total continuous service upon the date established for the layoff to become effective; provided that, in the case of probationary and regular employees, at such time that a service rating plan is established the order of layoff shall be determined on the basis of efficiency and seniority. The personnel director shall prescribe the method for computing efficiency and seniority and shall prescribe the relative weighting of each.

In lieu of the foregoing provisions governing layoffs, whenever a layoff occurs as a result of abolition of a position occupied by a regular employee serving in either the classified or nonclassified service, which position is designated as managerial, managerial-supervisory, or confidential, the city manager may, in his discretion, offer to the affected employee one (1) of the following options:

- (a) Allow the employee to retire early without penalty, if the employee is otherwise eligible for early retirement and such employee is within four (4) years of normal retirement (60 years of age). This option shall be governed by the provisions of the applicable Pension Ordinance; or
- (b) Allow the employee to transfer to another position. If the compensation to be paid to the employee at the transferred position is lower than that paid to the employee when his original position was abolished, compensation will continue to be paid at the rate existing and paid to the employee for the eliminated position when the layoff occurred, according to the following schedule:



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Years of Total
Continuous Service

Compensation
Constant

Eight (8) years
Over fourteen (14) years
Over twenty (20) years

Two (2) years
Three (3) years
Four (4) years; or

(c) The employee may be given severance leave as provided in the Pay Plan.

Any interruption of employment not in excess of fifteen calendar days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons shall not be considered a layoff.

For reductions in force effecting police and fire uniformed classes the foregoing procedure shall apply with the exception that senior classes will displace junior classes. Example would be: If a police captain's position is to be abolished, the incumbent (in seniority and merit) would displace a police lieutenant who would displace a police sergeant who would displace a police officer, who would displace any probationary or provisional or temporary or be separated as the case may require.

Section 3. Suspension: The city manager may, for disciplinary purposes, suspend a regular employee without pay for such length of time as the city manager considers appropriate, but not to exceed sixty days in any twelve month period. Although suspension may be based on other causes, those "causes" set forth in Section 4 of this Rule pertaining to dismissal shall be sufficient for suspension. A written statement of the reason for suspension shall be submitted to the personnel director and to the employee affected in each case, such statement to be submitted within 24 hours of the time the suspension becomes effective, excluding Saturdays, Sundays or general holidays as provided by the rules or by city commission authorization.

Upon the recommendation of an employee's department head, and with the approval of the city manager or upon the city manager's own



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recommendation, a suspended employee may satisfy his/her suspension by an alternate procedure of forfeiting vacation. Vacation is a privilege, not a right, which may be granted to the suspended employee at times the city manager considers appropriate.

“Forfeited vacation” is vacation leave that has accrued to an employee at the time of a suspension and is forfeited or surrendered by an employee in satisfaction of a suspension. One day of forfeited vacation will satisfy one day of suspension. An employee may not forfeit more than five (5) days of vacation for disciplinary reasons in any calendar year.

Any suspended employee given the option of this alternate disciplinary procedure, not wishing to use it, shall take time off without pay at a time designated by the city manager. The other provisions for suspension of employees, found in the personnel rules, shall apply to the alternate disciplinary procedures set out in this section.

A regular employee may, with the approval of the personnel director, be suspended without pay for a longer period pending the investigation or trial of any criminal charge against him, when said criminal charge alleges a violation of law which would constitute a felony or first degree misdemeanor and directly relates to the position of employment held; excepting, however, any employees of any law enforcement agency of the City or firefighters, who may be suspended, as provided herein, whenever they may be charged with the violation of any felony or misdemeanor. Such employee determined to be innocent of the charges placed against him may be returned to duty with full pay for the period of suspension.

Section 4. Dismissal: Any employee may be dismissed by the city manager for cause. With regard to regular employees, no dismissal shall take effect until at least ten days from the date of a written statement of the reasons therefore is submitted to the personnel director and to the employee affected.

Although dismissal may be based on other causes, any one or more of the following shall be sufficient.



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- A. Incompetency or general inefficiency in the performance of duties.
- B. Conviction of a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment held, or, in the case of any employees of any law enforcement agency of the city or firefighters of the city, conviction of any felony or misdemeanor.
- C. Violation of any of the provisions of the charter or these rules.
- D. Violation of any lawful and reasonable regulation, order or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public.
- E. Intoxication while on duty, from whatever source, which affects or impairs the ability of the employee to carry out his duties; the possession, consumption or both of intoxicating beverages while on duty or while operating or using a city- owned vehicle; or the possession, sale, use or addiction to the use of marijuana, illegal narcotics or dangerous drugs while on duty or while operating or using a city-owned vehicles.
- F. (1) Personally offensive or abusive conduct or language toward a public official, fellow employee, or any member of the general public when acting in an official capacity as a city employee or representative or while in uniform;

(2) Abusive public criticism of a written city or departmental policy, rule or official action when acting in an official capacity as a city employee or representative or while in uniform;



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(3) Expression of a personal, work-related grievance, or bypassing official documented grievance procedures, when such grievance is not a matter of public concern; or

(4) Abusive use of any portion of this subsection (F) rule by an employee or official in order to control, suppress or threaten free discourse or discussion by any other official or employee, when such discourse or discussion is a matter of public concern and pertains to another employee, public official, member of the public, or any written city or departmental policy, rule or official action.

- G. Carelessness or negligence in the use of any property of the city.
- H. Attempting to induce any officer or employee of the city to commit an act in violation of any rule, regulation or policy.
- I. Conduct, either while on or off duty, which reflects discredit upon the city.
- J. Tardiness or absenteeism.
- K. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental illness or condition.
- L. Being absent without leave or failing to report for work after leave of absence has expired.
- M. Failure to notify the department head and personnel director, within one working day of suspension or revocation of valid operator or chauffeur license (applies only to an employee whose position required valid license).



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- N. Making a false statement of a material fact or practicing or attempting to practice any fraud or deception.

Section 5. Demotion for inability to perform duties: The city manager may, when he has determined a regular employee is unable to successfully perform the duties of his position, demote the regular employee to a position, the duties of which he is able to perform, in a class carrying a lower compensation. Status will be given the employee in the new class. A written statement of the reason for demotion shall be submitted to the employee affected and to the personnel director such statement to be submitted under the same provisions of Section 3 of this rule.

Section 6. Retirement: Except as to members of the police department and fire department of the City of Fort Lauderdale, Florida, whose normal retirement is stated in Article II of Chapter 31, Code of Ordinances, City of Fort Lauderdale, the same being incorporated by reference herein and applicable to those persons, any other person covered by these rules shall retire on the first day of the month following that person's 70th birthday unless that person has been granted an extension of employment pursuant to Section 31-4 of the Code of Ordinances.

These rules also incorporate by reference with full effect as though a part thereof, all those sections of Chapter 31, Code of Ordinances, City of Fort Lauderdale which deal with retirement together with such amendments thereto as shall be approved in accordance with Rule XIII – Amendment to Personnel Rules, Section 1. Amendments.

Section 7. Polygraph examinations:

- (a) An employee may be requested by the City Manager to submit to a polygraph examination whenever inquiry has been made by the appropriate department head regarding an employee's actions, conduct or official duties, and the City Manager has determined, following a preliminary investigation and after reviewing the recommendations of the department head and Personnel Director,



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that probable cause of employee misconduct exists and that administration of a polygraph examination is warranted. Such polygraph examination shall be administered by a qualified operator employed by the Fort Lauderdale Police Department or any qualified person or agency approved by the City Manager.

- (b) All questions shall be specifically, directly and narrowly related to the employee's actions, conduct or duties under investigation, and may include such other questions as are necessary to test the validity of the polygraph machine.
- (c) No employee shall be required to waive immunity from self-incrimination with respect to the use of such employee's answers in any subsequent criminal proceedings.
- (d) The refusal of an employee to take such polygraph examination when requested to do so by the City Manager shall not be grounds for dismissal of such employee.



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RULE XIII – AMENDMENT OF PERSONNEL RULES

Section 1. Amendments: Amendments or revisions to the rules may be recommended for adoption by the personnel director, the city manager, the civil service board or by the city commission of its own motion. Such amendments or revisions of the rules shall become effective after public hearing before the civil service board and approved by resolution of the city commission.



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RULE XIV – SAVING CLAUSE

If any section or part of a section of these rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.