

SECTION 5 – RECRUITMENT, APPOINTMENT, AND TERMS OF EMPLOYMENT

Effective 1/21/09
Replaces Policy _____
Dated _____

5.1 Recruitment.

It is the desire of the City to fill vacant or newly created positions with the best-qualified applicants.

5.2 Advertising.

- A. Except when the City Manager determines it is in the best interest of the City for operational reasons to fill a position without posting, the following shall apply to position vacancies:
 - 1. Internal Posting - All departments will receive notice that a position vacancy exists and will post the notice in plain view in a place accessible to employees and specifically on the department's official bulletin board. The notice must remain open to City employees for five (5) working days. Interested employees must apply prior to 5:00 P.M. of the closing date stated in the advertisement.
 - 2. External/Public Posting - If the vacancy is not filled internally as a result of promotion or transfer, or if no qualified City employees apply, the vacancy is posted and advertised as open to the general public.
- B. The City reserves the right to simultaneously do internal postings while advertising an open position to the public at large.
- C. Provided their performance record is satisfactory to the City Manager or his/her designee, employees will be given preference provided their abilities, skills, and experience are, in the judgment of the City Manager, or his/her designee, equal to that of qualified outside applicants.

5.3 Applications.

Applicants should complete a standard City employment application form. The completed application must be submitted to the HR Department by the due date indicated in the employment ad or posting. After an offer of employment is made and prior to the start of employment, the applicant will be required to take a drug test and be subject to a background check. Certain positions also require a post-offer physical.

- A. In order to be considered as a valid applicant for an advertised position, each applicant must submit a completed City employment application form and must meet the minimum qualifications for the position as determined by the HR Director or City Manger. The application must be submitted within the time frame noted in the advertisement. Applicants for certain positions may be required to submit a detailed resume in addition to a completed City application.
- B. It is the responsibility of applicants to ensure that all information submitted in the employment application is correct and up to date. Revisions to active employment applications already on file may be made in person, by mail or by phone and verified as needed prior to 5:00 P.M. of the closing date stated in the advertisement.
- C. Applications containing items not pertinent to the process will not be accepted (photos, extraneous documents).
- D. Applications remain active in the HR Office for six (6) months from the date of original submission. This is not to be construed to imply that all active applications on file will automatically be considered for any vacant positions.

5.4 Appointment.

- A. The interview process may include selected department personnel, the HR Director and/or City Manager designee. Appointments are made on the basis of assessment of an applicant's work experience, training, and education as reflected on the employment application and the interview process. Applicants who do not meet the minimum qualifications, as determined by the Human Resources Director or designee, for a particular position vacancy, or applications containing deceptive or fraudulent information will not be considered for the position.
- B. Appointment to a position is not deemed final until the hiring process has been completed by the HR Department.
- C. In cases of vacancies requiring special technical or professional qualifications, satisfactory evidence must be submitted upon request. Examples of such evidence include transcripts, certificates and other documents that support contentions of education, training and/or experience.
- D. Department Directors do not extend offers of employment to applicants. Offers of employment can only be formally made by action of the City Manager.

5.5 Introductory Period.

An initial introductory period (probation) allows the City an opportunity to evaluate an employee's performance, ability and potential.

- A. All new regular appointment employees of the City must complete an initial introductory period of six (6) months and the successful completion of any certification or training program required for the job they hold, whichever is longer, or as directed by collective bargaining agreements.
- B. The City Manager or his/her designee reserves the right to extend an introductory period, but not more than ninety (90) calendar days.
- C. After successful completion of the initial introductory period, continued employment for employees of the City is as provided in Employment Relationship (Section 10).

5.6 Terms of Employment.

- A. All employees serve at the will and pleasure of the City or its designee and may be disciplined or dismissed for any reason, subject only to applicable law.
- B. Temporary employees shall not have access to the City's Complaint Procedure (Section 16) of these Policies and Procedures or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning wages, hours, and working conditions shall be made by the City Manager or his/her designee.

5.7 Posting and Promotion.

- A. Employees promoted to a classification with a higher pay must satisfactorily complete a six (6) month introductory period (probation), except in the case of the Fire Department Combat personnel who must complete an introductory period as per the collective bargaining agreement. Any employee who fails to satisfactorily complete the introductory period will be returned to the pay and position held immediately prior to the promotion, provided that their previous position is still available and the employee's qualifications have been maintained. If the position is not available, the employee may be moved to any vacant position for which the City Manager considers the employee qualified, or the employee may be terminated or laid off.
- B. It is the responsibility of the HR Director to coordinate advertising, posting, and screening of all applicants to determine whether they meet the minimum qualifications. The HR Director also informs the gaining and losing departments of the effective date of change in status. The HR Director must coordinate with the losing department for smooth transition and replacement.
- C. The effective date of the promotion becomes the employee's new "Date of Classification" for performance evaluation and salary review purposes.
- D. Employees promoted will receive the minimum of the new pay classification or 4% of their current pay, whichever is greater or as directed by the City Manager.

5.8 Reclassification.

- A. A reclassification action generally occurs when it is determined that a particular position's "comparable worth" and/or "prevailing wage" are in need of adjustment.
- B. A reclassification action may also occur when a significant change of an "increased" nature occurs in a position's duties, functions and responsibilities. It is also possible that a "decrease" in duties, functions and responsibilities will warrant reclassification consideration.
- C. Reclassification actions reflect the position's worth, not the incumbent's worth.
- D. A reclassification action does not trigger a change in the incumbent's "Date of Classification".

If a reclassification action occurs to a vacant position, and the position is filled by the promotion of an employee from a lower pay grade, the action is deemed to be a promotion. The effective date of the reclassification becomes the employee's new "Date of Classification" for performance evaluation and salary review purposes.

5.9 Transfer.

An employee may request a transfer to another department where a vacancy exists within the same or lower job classification and pay grade, provided that the employee has been in the current job at least six (6) months. The transfer may affect the employee's pay rate; however the anniversary date or classification date will remain the same.

The transferred employee will serve a minimum introductory period of ninety (90) days in the new department. If a transferred employee does not meet the expectations of the new department, the employee will be terminated or, at the option of the City Manager, be placed in any vacant position for which the City Manager considers the employee qualified. The terminated employee is eligible to apply for any vacancies with the City.

5.10 Demotion.

- A. An employee may be demoted to a position of lower classification or grade for any of the following reasons:
 - 1. As a form of discipline.
 - 2. When an employee would otherwise be laid off because his position is being abolished; when an employee is removed during promotional probation; reclassification of the employee's job; lack of funds, the employee voluntarily requests a demotion or for any

other reason considered by the City Manager to be appropriate for efficient business operations.

- B. A demoted employee is eligible to advance in pay within their new pay classification, after the demotion, based on their future job performance.
- C. In the event of a demotion, the employee's pay will be reduced to the midpoint, or below, or as determined by the City Manager, in the range of the new pay grade. An employee who wishes to fill a vacant position that is in a lower pay grade may agree to take a reduction in pay in an effort to obtain the desired position. Demotion actions must be coordinated with the HR Director and approved by the City Manager.
- D. Prior to the proposed demotion, the employee will be given written notice of the reason for the proposed demotion and will have an opportunity to discuss it with the City Manager or his/her designee.
- E. A demoted employee will serve a six (6) month introductory period.

5.11 Reinstatements.

An employee who has resigned in good standing or whose position has been abolished may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee left.

An employee may be reinstated at the same pay rate as previously received, upon approval of the City Manager. Reinstated employees are considered new employees for purposes of leave accrual and salary increases and must once again serve an initial introductory period regardless of status held prior to separation or date of hire.

5.12 Employment of Relatives.

- A. For purposes of this Section only, pursuant to Section 112.3135 Florida Statutes, "Relative" means, with respect to a "Public Official", an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
- B. For the purposes of this Section only, pursuant to Section 112.3135 Florida Statutes, "Public Official" means an officer, including a member of the City Commission, or an employee of the City in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the City, including the authority as a member of the City

Commission to vote on the appointment, employment, promotion , or advancement of individuals.

- C. For the purposes of this Section only, the definition of a “close personal relationship” is a person that resides with, is engaged to, or has a business relationship with an employee or City Commissioner.
- D. A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the City in which the official is serving or over which the official exercises, jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the City if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the City or a City department or subdivision, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the City Commission of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services.
- E. Pursuant to Florida Statute, relatives of employees or City Commissioners will not be considered where a conflict of interest exists, will exist or there is a substantial likelihood that such a conflict of interest will arise, such as a relative working under the direct supervision of a relative, one relative being responsible for the performance evaluation of another, one relative being directly involved in potential disciplinary actions involving another, or one employee being in possession of confidential information about another. Further, employment relationships that create an unacceptable appearance of favoritism because of the relationship will be avoided.
- F. Under the City Charter, the hiring, discipline, supervision, and retention of all employees except the City Attorney and legal staff, are within the sole and exclusive authority of the City Manager. For legal staff employees, the City Attorney shall make all decisions related to hiring, discipline, supervision, and retention. The City Manager shall make all final decisions related to hiring, discipline, supervision, and retention of relatives of employees or City Commissioners free and clear of any undue pressure or influence.
- G. In the event of an emergency, as defined by Section 252.38, Florida Statutes, the City Manager may authorize the temporary employment of individuals who employment otherwise would be prohibited by this policy.
- H. Employees who marry, or establish a close personal relationship, may continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to

find another position to which one of the employees can transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign. Should difficulties arise in this decision-making process, the employee with greater seniority will remain employed. In a situation with seniority dates being the same, the decision is at the discretion of the City Manager. The employees may continue to work for the City as long as neither has the responsibility of supervising or recommending for promotion their spouse or co-habitant. No individual will be hired or transferred to fill an available position in a division where a relative, or member of the immediate family, is employed.

5.13 Veteran's Preference.

Veteran's preference will be granted in accordance with Federal and State Law.

- A. One of the criteria that follow must be met by the applicant, in order to be considered for Veteran's Preference within the hiring process.
 1. A veteran with a service-connected disability who has served on active duty and is receiving, or is eligible for compensation, disability retirement or pension, under the public laws administered by the United States Department of Veterans' Affairs and/or the Department of Defense.
 2. The spouse of a veteran who is unable to work due to a total and permanent service-connected disability according to the public laws administered by the Veteran's Administration or the spouse of any veteran who is considered Missing in Action (MIA), captured in the line of duty or forcibly detained by a foreign power or government;
 3. A veteran of any war as defined by applicable law who has served on active duty for at least one (1) day and has received an honorable discharge (this does not include active duty for training);
 4. Effective July 1, 2007 - A veteran who served honorably but who has **not** met the criteria for the award of a campaign or expeditionary medal for service in Operation Enduring Freedom or Operation Iraqi Freedom qualifies for preference in appointment based on the service dates as defined below:
 - a) Operation Enduring Freedom October 7, 2001 to date to be determined.
 - b) Operation Iraqi Freedom March 19, 2003 to date to be determined.

5. An un-remarried widow or widower of a veteran who died of a service connected disability.
- B. Applicants for employment wishing to claim Veteran's Preference must provide the appropriate paperwork to substantiate their claim at the time of application.
 - C. Job applicants who are claiming Veteran's preference will be given job preference in the hiring process, but not to the preclusion of more qualified non-Veterans.
 1. In the event that testing is used in the hiring process, an applicant claiming Veteran's Preference will have additional points applied to his/her overall score, based on Federal and State guidelines.

Other provisions regarding preference in perpetuity, layoffs, reinstatements or reemployment, and promotion will be granted in accordance with Federal and State Law.

5.14 Driver's License.

If a Florida Commercial Driver's License (CDL) is required to satisfy an essential job function, the City will pay the difference in cost between a regular driver's license and a "CDL" license, with City required endorsements. The City will pay the cost of the test required to obtain such license if required after employment.

If a specific type of driver's license is not required as a condition of employment, the employee must have a valid Florida license in order to drive City vehicles, equipment, or to use his/her personal vehicle in the course of conducting City business.

Any employee who is required as a condition of employment to possess and maintain a valid Florida driver's license, must immediately inform their supervisor if the license is suspended, expires, becomes restricted or is revoked at any time during the course of employment with the City. Failure to report the change in license status may result in disciplinary action up to and including termination. Note: the City conducts an annual driving record report review for all employees required to maintain a valid drivers' license.

5.15 Compensation of Employees Working out of Classification.

The following guidelines shall be followed when compensating non-bargaining unit employees when performing a job outside of their current job classification.

Guidelines:

- A. Department Directors will determine whether the job being performed is outside the employee's current job classification.
- B. The job being performed must be substantially different from the employee's regular job, i.e. falls within a different pay grade.
- C. The employee must be qualified by training or experience to perform the temporary job and must possess required credentials.
- D. Employees on any type of probation or introductory period will not be used or allowed to work outside their current job classification.
- E. An employee must be temporarily assigned and function for more than eighty (80) hours in the new job classification in order to qualify for the higher pay rate.
- F. Employees working out of classification for more than two (2) weeks may be authorized an increase of up to 4% or at the discretion of the City Manager.
- G. Request for temporary reclassification must be forwarded to the Human Resources Department.
- H. Approval must be obtained by the Human Resources Department and the City Manager in order to process the temporary reclassification of the employee.
- I. Temporary reclassifications may not extend beyond an eight (8) week period unless unusual or extenuating circumstances exist. Department Directors must consult the Human Resources Director if needing to extend the temporary reclassification.
- J. Department Directors are responsible for informing the Human Resources Department of the termination date of the temporary reclassification.
- K. Employees temporarily performing work assigned to a lower pay grade are not covered by this policy.