

RESOLUTION NO. 2021-107

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE CHANGES TO THE CIVIL SERVICE RULES AND REGULATIONS OF THE CITY OF HIALEAH, FLORIDA PERTAINING TO RULE VI, EXAMINATIONS, ENTRANCE AND PROMOTIONAL, SECTION 10, (VETERAN'S PREFERENCE) IN ORDER TO COMPLY WITH CHAPTER 295, FLORIDA STATUTES, ATTACHED AS EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Florida Senate Bill 922, Chapter 295, Florida Statutes was amended with regards to Veteran's Preference points with an effective date of July 1, 2021; and


WHEREAS, at the August 2, 2021 meeting the Personnel Board passed a resolution adopting the amendments to the Civil Service Rules and Regulations in accordance with Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida hereby approve the changes to the Civil Service Rules and Regulations of the City of Hialeah, Florida, pertaining to Rule VI, Examinations, Entrance and Promotional, Section 10 (veteran's preference) to comply with Chapter 295, Florida Statutes, attached as Exhibit "A".

Section 2: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 24 day of August, 2021.

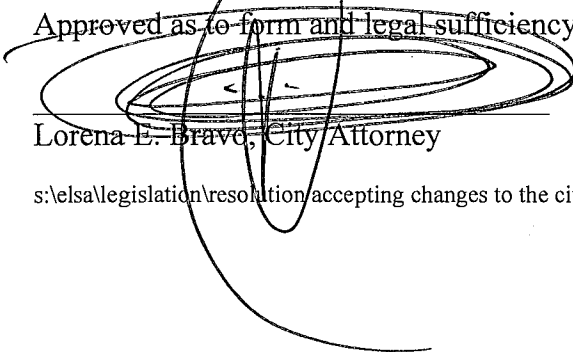


Jesus Tundidor
Council President

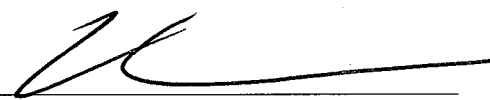
Attest: Approved on this 3 day of September, 2021.



Marbelys Fatjo, City Clerk

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney



Mayor Carlos Hernandez
Resolution was adopted by 6-0-1 vote with Councilmembers, Cue-Fuente, De la Rosa, Garcia-Roves, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Hernandez absent.

EXHIBIT "A"

**CIVIL SERVICE RULES AND REGULATIONS
OF
THE CITY OF HIALEAH, FLORIDA**

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RULE VI
EXAMINATIONS – ENTRANCE AND PROMOTIONAL

Section 1. The Board or its designated agents shall conduct every examination for original appointment or promotion.

Section 2. Non-assembled entrance examinations.

- (a) Whenever the Mayor determines that possible applicants are not available in sufficient numbers to justify holding assembled entrance examinations, the Director may conduct entrance examinations for such classes on a continuous non-assembled basis.
- (b) The names of successful candidates shall be placed on the appropriate eligibility list in order of their relative grades without reference to priority of time of examination.
- (c) The Human Resources Director may make such additional rules and regulations as necessary or proper for the enforcement of these provisions.

Section 3. The Board, in the best interest of the City, shall have power to order a re-examination of applicants for any position and it may also correct, except disciplinary records, amend or revoke any paper or record, including the employment list, when an error has been made or an injustice done.

Section 4. Notice to Candidates: The Human Resources Department will inform every candidate by mail of the candidate's score on any competitive examination.

Section 5. Promotional Examinations: Any candidate taking a promotional examination, upon the posting of the proposed eligibility list, may inspect the candidate's own test questions and answers. The inspection shall be done in the presence of the Chief Examiner or designee. Within 10 days from the time the proposed eligibility list is posted, the candidate shall be given the right to inspect the test questions and furnish written rebuttal for those questions the candidate desires to challenge, except as provided by the CBAs. All responses shall be submitted to the Chief Examiner or designee during regular business hours for final consideration. The burden of proof as to the best answer lies with the candidate and must be provided in writing with supporting documentation.

Section 6. Prior to the examination, each candidate shall be assigned a number and that number shall be used on the examination paper, instead of the candidate's name. Any

paper bearing the name of the candidate, or any other mark, which identifies the candidate, other than the assigned number, shall be rejected and the candidate shall be notified accordingly.

Section 7. The Board shall establish passing grades for each examination. The names of candidates receiving a passing grade shall be posted at a conspicuous place in City Hall and shall be entered by the Secretary on the appropriate employment list. The grade or score of any candidate failing to qualify shall not be made public.

Section 8. All examinations shall, at the discretion of the Board, consist of one or more of the following parts: Written test; oral review; performance test; and physical test. An examination may be based on an oral review, without any other tests, if the examination includes points for education and experience.

Section 9. The Board may determine a minimum score for any test or part of an examination. A candidate who does not attain this minimum score shall be considered to have failed the examination or test and shall not be examined on any other part.

Section 10. Preference shall be given to veterans as follows, in accordance with Chapter 295.07 of Florida Statutes:

- (1) (a) Those disabled veterans:
 1. Who have served on active duty in any branch of the United States Armed Forces ~~of the United States~~, ~~have been separated therefrom~~ received an honorable discharge, under honorable conditions, and have established the present existence of a service-connected disability, ~~which~~ that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
 2. ~~Those disabled veterans~~ Who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.
- (b) ~~(3)~~ A The spouse of any a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.
- (c) A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.
- (d) ~~(4)~~ The unmarried widow or widower of a veteran who died of a service-connected disability.

- (e) The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.
- (f) A veteran as defined in s. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.
- (g) A current member of any reserve component of the United States Armed Forces or the Florida National Guard.
- ~~(5) A veteran who served in the active military and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions or a veteran of any war as defined in section 1.01(14), Florida Statutes.~~
- (2) In all examinations to determine the qualification for entrance into employment with the City, 20 points shall be added to the earned ratings of any person included under section 10(1)(a)1.,2., and (b); 15 points shall be added to the earned ratings of any person included under section 10 (1) (c), (d), and (e); and 10 points shall be added to the earned ratings of any person included under section 10(1)(f) and (g) provided the person has obtained a qualifying score on the examination as determined by the Personnel (Human Resources) Board. The name of any person eligible for preference shall be entered on an appropriate register or eligibility list according to that person's augmented rating.
- ~~(b) In all examinations to determine the qualification for entrance into employment with the City, 10 points shall be added to the earned ratings of any person included under section 10(a)(1), (2), and (3); and 5 points shall be added to the earned ratings of any person included under section 10(a)(4) and (5), provided the person has obtained a qualifying score on the examination as determined by the Personnel (Human Resources) Board. The name of any person eligible for preference shall be entered on an appropriate register or eligibility list according to that person's augmented rating.~~
- (3) (e) An employee, who has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, upon reinstatement to the employee's same position that such employee held prior to such service in the armed forces, or to an equivalent position shall be awarded preference points in the same manner and under the same conditions as provided in paragraph (b) (2) above.
- (4) (d) The provisions of paragraph (e) (3) shall also apply to a person who was a veteran when employed by the City and who was recalled to extended active duty, in the Armed Forces of the United States. For the

purposes of this section, "extended active duty" is defined pursuant to section 295.09(2), Florida Statutes.

- (5) ~~(e)~~ The provisions of paragraphs ~~(e)~~ (3) and ~~(d)~~ (4) shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception as per Section 295.09.
- (6) ~~(f)~~ The Board shall require such documentary proof as necessary to establish veteran's preference.
- (7) The Board may waive post-secondary educational requirements for a position of employment in accordance with Section 295.07 Florida Statute at the request of the appointing authority.
- (8) ~~(g)~~ Veteran's preference points shall be governed by Florida Statutes, as amended from time to time.