

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

**RULE I
DEFINITIONS OF TERMS USED**

Section 1. “Classified Service” comprises all positions in the City except elective officers, members of the boards, commissions and committees, part-time employees, independent contractors, provisional employees, temporary employees whose terms of employment are for less than nine months, the City Attorney and Assistant City Attorneys.

Section 2. “Competitive Class” shall include all positions of employment for which it is practicable to determine the merit and fitness of applicants by competitive examination.

Section 3. “Noncompetitive Class” shall include all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character as may be determined by the Board.

Section 4. “Labor Class” shall include unskilled labor.

Section 5. “Permanent Employee” signifies any employee in the classified service who has been regularly appointed to a position after serving a probationary period which normally involves year-round service.

Section 6. “Probationary Employee” signifies any employee in the classified service who has been appointed to a position but who has not completed the required probationary period.

Section 7. “Provisional Employee” signifies any employee who may be appointed to a position with the understanding that the employee will be required to take a competitive examination and meet other requirements. This position may be occupied provisionally until a selection and appointment can be made from the employment list.

Section 8. “Temporary Employee” signifies any employee appointed for a specified period or for a special project or to replace a regular employee on leave and shall be for a period of less than nine months.

Section 9. “Employment List” signifies a list arranged in the order of merit of applicants who have qualified through suitable examination for employment in a position of a specified class.

Section 10. “Promotion” or “Advancement” signifies a transfer made in accordance with these rules from a lower class to a higher class involving (a) change in classification; (b) increased duties and responsibilities; and (c) higher maximum salary limit.

Section 11. “Board” when used by itself refers to the Personnel (Human Resources) Board of the City of Hialeah.

Section 12. “Job Description” means a written statement describing the duties, responsibilities, and entrance qualification requirements of a position.

Section 13. “Appointing Authority” shall mean the Mayor.

Section 14. “CBA” signifies the current Collective Bargaining Agreement that governs a particular bargaining unit.

Section 15. “Director” signifies Human Resources Director.

RULE II **ORGANIZATION AND DUTIES**

Section 1. The Personnel (Human Resources) Board shall consist of 5 members who shall be appointed by the City Council. Members of the Board shall elect a chairperson and vice chairperson annually at the first meeting conducted after April 1 to serve for one year. Members of the Board shall serve for a period of 2 years, staggered with 3 positions commencing on years ending in odd numbers and 2 positions commencing on years ending in even numbers. Vacancies and unexpired terms shall be filled by the City Council for the remainder of the terms, as determined by Hialeah Code §§ 2-732 and 2-733.

Section 2. The Human Resources Director or Designee shall act as Secretary of the Personnel Board, and shall attend all meetings of the Board, keep a regular record of the minutes thereof, and perform such other duties as may be required by ordinance or by the Board. The Director shall not be entitled to a vote on the Board and shall not be considered a member thereof.

Section 3. The Secretary of the Board shall be the Chief Examiner. The Chief Examiner shall be responsible for all examinations, certify eligible lists, maintain efficiency records, and supervise the preparation and grading of all examinations.

Section 4. The Director, from time to time, may employ such examiners as may be necessary to assist in the preparation of examinations. Such examiners may serve with or without compensation. Examiners shall be selected for their recognized ability and experience in the special fields in which their services are required and may or may not be residents of the City of Hialeah.

Section 5. The Human Resources Director and the administrative staff shall comprise the Human Resources Department.

RULE III
OFFICIAL RECORDS

Section 1. The Secretary shall keep the minutes of the official proceedings of the Board. The Secretary shall also maintain a record of the following: (a) temporary appointments; (b) provisional appointments; (c) probationary appointments; (d) appeals from layoff, discharge, demotion or suspension; (e) leave of absence in excess of 12 days; (f) resignations; (g) reinstatement of former classified employees to their positions or replacement or removal of their names from the re-employment list; (h) results of examinations; and (i) certifications from the employment list and re-employment list.

Section 2. The Secretary shall maintain an official roster showing the names, titles and rates of pay of all employees in the classified service. No payroll account for the payment of wages or salary to any person in the classified service shall be certified or approved for payment unless such name has been placed on the official roster in accordance with these rules.

Section 3. The examination papers of those who have qualified shall be preserved until the expiration of the employment list on which their names appear but the examination papers of the candidates who fail to qualify may be destroyed within the time limits prescribed by the State of Florida Department of Archives guidelines.

Section 4. Individual employee records are not open for inspection by the general public, except as provided in the Florida Public Records Law, Chapter 119, Florida Statutes. In the presence of the Board or authorized City employee, information may be given as follows:

- (a) Upon request, any employee and former employee may view the contents of the employee or former employee's personnel file, and make photocopies at his or her expense.
- (b) Information to prospective employers will be limited to: Period of service rendered and approximate dates thereof; title of position last held and final salary rate; reason for and date of separation; and, if desired, the last official employee performance appraisal form.
- (c) Credit information, if such information is authorized for release by the employee in writing, may be verified as follows: Dates of employment; salary and job classification. Further information may be requested in writing to the Human Resources Director.

Section 5. All minutes of the Personnel (Human Resources) Board shall be open for public inspection.

RULE IV
CLASSIFICATION

Section 1. No person shall be employed or regularly assigned to work under any title not appropriate to the duties to be performed, unless as determined by management and/or provided in the CBAs.

Section 2. The Human Resources Department shall maintain a record showing each classification established, the classification title, job description, the minimum qualifications required of applicants seeking appointment, and the standard wage scale. The official job descriptions shall be open for public inspection during business hours.

Section 3. The specifications for job classifications of positions in the classified service are hereby declared to have the following force and effect:

- (a) They are descriptive and explanatory and are not all-inclusive. The use of a particular expression or illustration of duties, qualifications, or other attributes shall not be meant to exclude others not mentioned, if such others are similar in kind or quality.
- (b) In determining the classification of a particular position, the specifications shall be considered as a whole. Consideration shall be given to the general duties, special examples, responsibilities, minimum entrance requirements, and the relationships to other classes.
- (c) “Job Descriptions” outline specific job duties, but are not intended to be all inclusive. The City may amend, expand or otherwise change specific job duties encompassed in the job description, subject to Board approval. When a substantial change of duties is made, except for a temporary period or by the addition of duties that are incidental to the main employment, such change shall be reported to the Board for reclassification or redefinition of the position. The fact that the actual tasks performed in a position do not appear under the caption “Example of Duties” shall not imply that the tasks are excluded from the position, if the tasks constituting the main work have been duly covered by the general statement of duties. Similarly, any example cited, with reference to the general statement and the qualifications required, shall not be construed as finally determining whether or not a position may not be mentioned in the specifications; certain qualifications which should properly apply to practically all positions, such as suitable age, honesty, sobriety, and industry, are taken for granted. The Board may prescribe minimum and maximum age requirements for applicants for appointment to particular classes of positions, as allowed by federal law.

Section 4. New positions in the classified service shall be classified by the Board after consultation with the department head and the appointing authority.

Section 5. Whenever a new classified position is established, or the duties of an existing position are so changed that in effect the old position as described by the job description no longer exists but in its place there is created a new position of a different class, the appointing authority shall report such fact to the Board and transmit a detailed statement of the circumstances with a description of the duties. The Board shall investigate the proposed duties and qualifications or requirements and classify or reclassify the position by allocating it to its appropriate class according to the classification plan.

Section 6. The Board is empowered at any time to voluntarily investigate any position and, if findings warrant, to change the classification. The City shall cooperate in any investigation.

Section 7. The Board from time to time, if deemed necessary, and after conferring with the appointing authority, shall establish new classes, abolish, merge or divide existing classes and amend the classifications to meet changing conditions.

RULE V
APPLICATIONS, ENTRANCE EXAMINATIONS AND PROMOTIONS

Section 1. Notice of all competitive entrance and promotional examinations to be held shall be made not less than 15 days prior to the examination by advertisement in a newspaper of general circulation in Miami-Dade County or by posting the announcement conspicuously on the bulletin boards in City Hall. The announcement shall include the date of the examination, final date for filing application, and minimum qualifications. A notice shall be given to all applicants meeting the necessary requirements prior to the examination date giving the time and place of the examination.

Section 2. The application blank prescribed by the Personnel (Human Resources) Board, and furnished by the Human Resources Department must be filled out in ink or on a typewriter/computer and signed by the applicant.

Section 3. All applicants must be a citizen or a legal resident alien and will be required to sign the following oath of allegiance before being certified eligible for employment:

(SEAL)

THE CITY OF HIALEAH, FLORIDA
OATH OF EMPLOYMENT

I, _____, residing at _____, do solemnly swear or affirm that I will support, protect and defend the Constitution and laws of the United States, the State of Florida, the Charter and Code of the City of Hialeah and Civil Service Rules

and Regulations, and in all respects will faithfully discharge my duties as an employee of the City of Hialeah, Florida.

I do further certify that all statements made on my application for employment are true, complete, and correct to the best of my knowledge.

Signature of applicant

Sworn to or affirmed and subscribed before me on this ____ day of _____, by _____, at Hialeah, Florida.

Affiant

Notary Public, State of Florida

Typed/Printed name: _____

My Commission No.: _____

____ Personally known to me, or

____ Produced identification: _____

Type of identification produced

Section 4. Applications shall be made on forms prescribed by the Board. Such forms shall require information covering experience, training and other pertinent information as may be requested on the examination announcement.

Section 5. All sworn Police Officer and Firefighter applicants must meet the State of Florida's appropriate minimum standards, as outlined in Chapter 633, Florida Statutes, for Firefighter applicants and Chapter 943, Florida Statutes, for Police Officer applicants, prior to satisfactory completion of probation.

Section 6. The Board may refuse to examine, or after examination, may decline to certify as eligible for employment, any applicant for the following reasons:

- (a) Has, within the six months prior to date of examination, failed to attain a passing grade in an examination for the same or a like position.
- (b) Absence of any of the established preliminary requirements for the examination or the position.
- (c) Does not fall within the prescribed age limits.
- (d) Does not meet the physical requirements of the position.

- (e) Has a substance abuse problem for which the applicant has not successfully completed a properly licensed treatment program acceptable to the City.
- (f) Has been guilty of a felony or crime of moral turpitude or dishonorable conduct.
- (g) Has been dismissed from previous employment for excessive absences or tardiness or for misconduct; or has resigned after charges have been brought, according to these rules, or has been, or may be, subsequently dismissed after being found guilty of such charges.
- (h) Has made a false statement regarding any material fact or representation in the application.

Upon rejection of an application, the applicant shall have the opportunity to show cause why the application should be accepted.

Section 7. Any examination may be postponed or cancelled at the discretion of the Board. In either case, each applicant shall be notified of the Board's action.

Section 8. POLICE PROMOTIONS

- (a) Police Officer: Police Officers shall enter the service in the manner prescribed by the Civil Service Rules and Regulations.
- (b) Police Sergeant: Police Officers shall be considered eligible to take a competitive promotional examination for the rank of Police Sergeant under the following conditions:
 - (1) After 4 years of continuous satisfactory employment in the classified service as a sworn Police Officer with the Hialeah Police Department.
 - (2) After 3 years of continuous satisfactory employment in the classified service as a sworn Police Officer with the Hialeah Police Department, if the officer has received an Associate Degree in Police Science and/or Criminology from an accredited United States Junior College, or a 4-year Bachelor's Degree from an accredited United States College or University.
 - (3) After 3 years of continuous satisfactory employment in the classified service as a sworn Police Officer with the Hialeah Police Department in addition to 3 years previous satisfactory civil service as a full time sworn Police Officer with any other state, county, or municipal police department in the United States serving a population of 50,000 or more according to the most recent federal census figures.

- (c) Police Lieutenant: Police Sergeants shall be considered eligible to take a competitive promotional examination for the rank of Police Lieutenant after completion of one year of continuous satisfactory employment in the classified service in the lower rank, following certification to that rank by the Personnel (Human Resources) Board.
- (d) Police Captain: Police Lieutenants shall be considered eligible to take a competitive promotional examination for the rank of Police Captain after completion of one year of continuous satisfactory employment in the classified service in the lower rank, following certification to that rank by the Personnel (Human Resources) Board.
- (f) Examination Procedure and Points:
 - (1) Eligible applicants for the promotional examination for Sergeant shall be entitled to one-fourth (1/4) of a point for each full year of service as a Hialeah Police Officer up to a maximum of 15 years. A minimum passing score must be obtained on the written examination to receive credit for years of service.
 - (2) Eligible applicants for the promotional examination for Police Lieutenant and Police Captain shall be given both an oral and written examination with the oral and written examinations being weighted according to the provisions of the applicable CBA. Applicants will be required to receive a minimum passing score on the written examination based on a total possible score of one hundred percent (100%) in order to be allowed to sit for the oral examination.
 - (3) Notices will be posted on the bulletin boards of the City of Hialeah Police Department, in compliance with the notice period provided by the CBA. Such notices shall identify the date, time, place and minimum passing score for the examination and a list of books and/or reference materials, from which the examination may be based.
- (g) All promotions in the Police Department shall be filled from the ranks of the Hialeah Police Department based upon competitive examinations. However, the position of Chief of Police shall be filled on the basis of competitive examination, open to all qualified applicants whether from within or outside the classified service of the City of Hialeah.
 - (1) If no eligible person applies to take promotional examinations in any particular rank, applications will then be accepted from the next lowest rank.

- (2) The Police Chief, under the direction of the Mayor, shall have the authority to assign personnel within the various police classifications to specific duties for which they qualify by virtue of their rank and special qualifications. Such assignments shall be made by written orders and a copy of such orders shall be furnished to the Human Resources Department. Continuation in such assignment depends upon conduct and general fitness for performing the assigned duties, as demonstrated by the quality of work and the reports and recommendations of superior officers. No permanent status or classification occurs because of these assignments.

Section 9. FIRE PROMOTIONS

- (a) Firefighter: Firefighters shall enter the service in the manner prescribed by the Civil Service Rules and Regulations.
- (b) Fire Engineer: Firefighters shall be considered eligible to take a competitive promotional examination for the rank of Fire Engineer after completion of 2 years of continuous satisfactory service in the lower rank following certification to that rank by the Personnel (Human Resources) Board.
- (c) Fire Combined Lieutenant: Fire Lieutenants, Fire Rescue Lieutenants, Fire Engineers and Firefighters, or as otherwise provided in the applicable CBA, shall be considered eligible to take a competitive promotional examination for the rank of Combined Lieutenant under the following conditions:
 - (1) A Fire Rescue Lieutenant shall be eligible only if the individual has either:
 - (a) Passed the City of Hialeah Civil Service written and proficiency examination for Fire Engineer.
 - (b) Has successfully completed a Fire Science course in hydraulics approved by the Fire Chief, and shall successfully pass the proficiency section of the Fire Engineer examination administered by the City of Hialeah Fire Department, after obtaining a passing score on the written portion of the Combined Lieutenant test, or as provided for in the CBA.
 - (2) Fire Engineers and Firefighters shall be considered eligible after 21 months following certification by the Personnel (Human Resources) Board as being eligible for appointment to the rank of Fire Engineer.

- (d) Fire Captain: Fire Lieutenants, Fire Rescue Lieutenants who passed the practical portion of the Engineer's test, and Combined Lieutenants, or as otherwise provided in the applicable CBA, shall be considered eligible to take a competitive promotional examination for the rank of Fire Captain after completion of one year of continuous satisfactory service in the lower rank, following certification to that rank by the Personnel (Human Resources) Board. Combined Lieutenants must be certified as a paramedic in order to be eligible to sit for the Captain's examination.
- (e) District Fire Chief: Fire Captains shall be considered eligible to take a competitive promotional examination for the rank of District Fire Chief after completion of one year of continuous satisfactory service in the lower rank following certification to that rank by the Personnel (Human Resources) Board.
- (f) Battalion Fire Chief: District Fire Chiefs shall be considered eligible to take a competitive promotional examination for the rank of Battalion Fire Chief after completion of one year of continuous satisfactory service in the lower rank following certification to that rank by the Personnel (Human Resources) Board.
- (g) Deputy Fire Chief: Battalion Fire Chiefs and District Fire Chiefs shall be considered eligible to take a competitive promotional examination for the rank of Deputy Fire Chief after completion of one year of continuous satisfactory service in the lower rank, following certification to that rank by the Personnel (Human Resources) Board.
- (h) Fire Chief: Deputy Fire Chiefs and Battalion Fire Chiefs shall be considered eligible to take a competitive promotional examination for the rank of Fire Chief after completion of one year of continuous satisfactory service in the lower rank, following certification to that rank by the Personnel (Human Resources) Board.
- (i) All promotions in the Fire Department shall be filled from the ranks of the Hialeah Fire Department, except when, in the opinion of the Personnel (Human Resources) Board and confirmed by the City Council, there are no qualified applicants from within the ranks. If no applications are filed by eligible personnel to take promotional examinations in any particular rank, applications will then be accepted from the next lowest rank. The Fire Chief, under the direction of the Mayor, shall have the authority to assign personnel within the various fire classifications to specific duties for which they qualify by virtue of their rank and special qualifications. Such assignments shall be made by written orders and a copy of such orders shall be furnished to the Human Resources Department and continuation in such assignment depends upon the appointee's conduct and general fitness for performing the assigned duties, as indicated by the quality of work and the

reports and recommendations of superior officers. No permanent status or classification occurs because of these assignments.

- (j) In addition to the qualifications for promotional tests in section 9 above, all individuals shall meet the minimum requirements set forth in the CBA, prior to being allowed to sit for any promotional examination. If the test is administered early, then the provisions of the CBA will prevail.

Section 10. OTHER PROMOTIONS: Accounting Clerk I, Clerk-Typist I, and Stenographer-Clerk I shall be eligible for probationary appointment by the appointing authority to the position of Accounting Clerk II, Clerk-Typist II, and Stenographer-Clerk II after completion of 3 years of continuous satisfactory service in the lower position, following certification to that position by the Personnel (Human Resources) Board.

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, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or
 2. 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) The spouse of 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) The unremarried 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.
- (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.
- (3) 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 (2) above.
- (4) The provisions of paragraph (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) The provisions of paragraphs (3) and (4) shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception as per Section 295.09.
- (6) 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) Veteran's preference points shall be governed by Florida Statutes, as amended from time to time.

RULE VII
EMPLOYMENT AND PROMOTIONAL LISTS

Section 1. The Board shall prepare an employment list containing the names of applicants whose average ratings are not less than the passing grade and who are otherwise qualified for appointment in the classified service. Applicants shall be ranked on the list in the order of the highest score except as follows:

- (a) Entrance: Whenever two or more applicants obtain the same score, the applicant filing first shall be placed ahead of the others making the same score. If there is any further tie, the Human Resources Department will decide and break the tie by lot.
- (b) Promotion: Whenever two or more employees obtain the same score, the employee with the earliest date of appointment in the classified service of the City shall be placed ahead of the others making the same score. If there is any further tie, the Human Resources Department will decide and break the tie by lot.
- (c) Succeeding Lists: Whenever the Board holds another similar examination to obtain additional applicants, the names on the employment lists may be merged according to the score made on the last examination. Any person on the lists to be merged with the new list shall have the opportunity to improve the person's score by taking the new examination; provided that such person can meet the qualifications required for the new examination, unless the applicable CBA prohibits the merger of lists.

Section 2. Any eligibility list that has been in effect for more than one year may be abolished at any time by the Board and the applicants whose names appear thereon shall be notified of such action, unless otherwise provided in the applicable CBA.

Section 3. The name of any person appearing on the eligibility lists may be removed for the following reasons:

- (a) By appointment or promotion in the classified service.
- (b) Failure to respond to a written or oral notice from the Human Resources Department.
- (c) Error in being included on the list.
- (d) Failure to accept an offer of employment within 4 days of receipt of the notice of appointment by certified mail.
- (e) Refusal to accept appointment or promotion.
- (f) After consideration for appointment 4 times, without appointment.

RULE VIII **APPOINTMENTS**

Section 1. Every vacancy in the classified service not filled by transfer, reinstatement, or re-employment list, shall be filled by appointment from the entrance eligibility list established for the particular position.

Section 2. Whenever the appointing authority in the City having power to make appointments desires to fill such vacancy, the appointing authority shall notify the Secretary of the position to be filled specifying the title and duties thereof. The Secretary of the Board, as soon as practicable, shall provide the appointing authority with the names of the three candidates with the three highest examination scores, from the appropriate eligibility list, one of whom shall be appointed by the appointing authority. If no eligibility list has been prepared for the vacancy sought to be filled, the Board or its designated agents shall immediately conduct a competitive examination in order to establish such an eligibility list.

Section 3. Candidates, who have not been selected for appointment off of an eligibility list, shall remain on the list for consideration for appointment for no more than a total of 4 times. Afterward, their names may be removed from the eligibility list.

Section 4. All appointments made in the classified service pursuant to the civil service rules and regulations shall be probationary appointments for a period of 12 months or 9 months, as prescribed in the applicable CBA, and no civil service status shall accrue to the employee until after the employee shall have satisfactorily performed the job duties for such probationary period. Such probationary employee may be discharged by the appointing authority at any time with or without cause and in compliance with the provisions of the applicable CBA.

Section 5. All promotional appointments made in the classified service pursuant to the civil service rules and regulations shall be probationary appointments for a period of 9 months and

no civil service status shall accrue to the employee in that position until after the employee shall have satisfactorily performed the job duties for such probationary period. Such probationary employee may be reduced in rank to the employee's last certified classification by the appointing authority at any time with or without cause.

Section 6. In the absence of an eligibility list, as herein set forth, and whenever there are urgent reasons for filling a vacancy in any position in a competitive class, the appointing authority may nominate a person for appointment as follows:

- (a) Provisional Appointment: A provisional appointment may be made with the understanding that the candidate shall be required to pass a competitive examination and that the candidate's continued employment in the appointed position depends on the candidate's standing on the eligibility list after the examination. A provisional appointment shall not exceed 90 days and shall not continue more than 10 days after creation of an eligibility list for the particular position.
- (b) Temporary Appointment: A temporary appointment may be made for a specified period or a special project or to replace a regular employee on leave and shall be for a period less than 9 months.
- (c) Reappointment: Any prior employee who held a certified position in the classified service may, after proper application, be considered for reappointment to a probationary position in the classified service subject to the following conditions:
 - (1) Previous separation from the classified service must have been voluntary under honorable conditions.
 - (2) Must be recommended by the department head and appointing authority and approved by the Personnel (Human Resources) Board.
 - (3) Must be reappointed in the same class as qualified by prior employment, and if not reappointed to the entry-level position, shall under no circumstances be reappointed to a position higher than the first automatic advancement after the entry-level position.
 - (4) No benefits for employment prior to the reappointment shall be given, including but not limited to, sick leave, vacation, longevity, seniority or retirement benefits, except as provided in the Hialeah Code, Chapter 70, General Retirement System.
 - (5) Must be reappointed within 4 years after previous separation.
 - (6) Must satisfactorily pass the background check and medical examination required for the reappointed position.

If all the conditions provided in section 6(c)(1) through (6) have been met, the former employee shall be placed on a re-employment list. If a re-employment list exists, the former employee shall be placed at the lowest ranking on the list. No candidate shall be appointed from an eligibility list until the re-employment list is first exhausted.

Section 7. Appointments in the non-classified service may be made in the manner provided in the Charter, Code or Ordinance.

Section 8. Appointments in the labor class may be made by the appointing authority; provided, however, that no such appointments shall be made for a period of more than 9 months.

RULE IX **ABOLISHMENT OF POSITIONS**

Section 1. Whenever a position is abolished or is merged with another position of a different classification, the candidate who held the abolished or merged position shall be placed at the top of the appropriate eligibility list for a period not to exceed one year within which time the candidate may be certified for employment. When a position is abolished or merged, such action shall be reported to the Board.

Section 2. If it is advisable to revise or recreate a previously abolished position within one year from the date the position was abolished, the last incumbent of the position shall be entitled to the position so revised or recreated; provided, that the employee was a regular or permanent employee at the date of the employee's separation.

RULE X **SUSPENSION, REDUCTION OR REMOVAL**

Section 1. The suspension, reduction or removal of a permanent employee in the classified service shall not become effective until the department or division head shall have first served the employee with a written notice with sufficient information to allow the employee to explain or rebut the suspension, reduction or removal. A copy of such notice, together with the employee's explanation, if any, shall be filed with the Board. A temporary, probationary or provisional employee has no civil service rights and may be discharged, suspended or demoted by the department or division head or appointing official at any time without appeal to the Board. Any probationary employee, who is serving a probationary period for promotion to a status higher than the employee's present certified civil service position, shall have the right of appeal to the Mayor and the City Council, if demoted during the probationary period, upon written request. Any citizen may file, with the Board, written charges against any employee in the classified service.

Section 2. The following actions are declared to constitute a breach of duty and be grounds for dismissal or suspension from the classified service or grounds for demotion, though charges may be based upon causes other than enumerated:

- (a) Has been convicted of a criminal offense, or of a misdemeanor involving moral turpitude; or
- (b) Has been guilty of a criminal act. If such act is, at the time charges are pending, involved in a criminal proceeding before the grand jury or the courts, the employee so charged may request that the hearing be postponed or continued with the employee's consent until such time as the criminal proceedings are terminated, and such request shall be granted; provided, however, that the employee shall execute a waiver of all rights to be paid any compensation during criminal proceedings, including appeal; and provided further, that such employee may have the hearing or investigation proceed at any time on ten 10 days notice, in writing; or
- (c) Has willfully, wantonly, or through culpable negligence, been guilty of brutality or cruelty to a person; or
- (d) Has willfully violated any of the provisions of the Civil Service Rules and Regulations or the rules of the Board; or
- (e) Has been guilty of conduct unbecoming an employee of the City of Hialeah; or
- (f) Has violated any lawful and reasonable official regulation or order, or failed to obey any lawful or reasonable directive made and given by the employee's superior, where such violation or failure to obey amounts to any act of insubordination or a serious breach of proper discipline, or resulted, or reasonably might be expected to result, in loss or injury to the City or to the public; or
- (g) Has been intoxicated or impaired (substance abuse) on-duty or off-duty, with employee's conduct bringing reproach upon the City of Hialeah, or
- (h) Has been guilty of actions that amount to insubordination or disgraceful conduct, whether committed on-duty or off-duty; or
- (i) Is incompetent, negligent, or inefficient in the performance of the duties of the position held or has failed to obtain a satisfactory efficiency rating for the last two annual ratings; or
- (j) Is careless or negligent of the property of the City of Hialeah; or
- (k) Has used, or threatened, or attempted to use political influence in securing promotion, leave of absence, transfer, change in pay, change in character or work, or revision of examination score; or

- (l) Has solicited or accepted money or anything of value from, or given money or anything of value to, any officer or employee of the City of Hialeah, which could be considered by a reasonable person as having the potential or actual effect of unduly influencing a City officer or employee; or
- (m) Has been induced, has induced, or has attempted to induce an officer or employee in the service of the City of Hialeah to commit an unlawful act, or to act in violation of lawful and reasonable departmental or official regulation or order; or has taken any fee, gift or other valuable thing, in the course of his or her job duties, for personal use, from any citizen, when such contribution is made with the hope or expectation of receiving a favor or better treatment than is afforded to other citizens; or
- (n) Is antagonistic towards superiors and fellow employees, criticizing orders, rules and policies and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the public service; or
- (o) Has made misrepresentations of fact to the Department Head, Division Head or the Mayor in order to obtain a leave of absence or to use vacation, sick or compensatory time; or
- (p) Has violated the Code of Ethics of the City of Hialeah, Chapter 26, Art. I and II, and the State of Florida Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes.
- (q) Has deliberately falsified, altered or in any way tampered with any City employee's time card; or make false entries or otherwise falsify any other official city documents.

Section 3. When an employee in the classified service with permanent civil service status, who has been suspended, reduced in rank or dismissed, appeals to the Board, such an appeal for a hearing must be made in writing within 5 business days after delivery to the employee of the notice of suspension, reduction or removal. The Board shall immediately schedule a place and time for a hearing, which shall not be later than 10 days after the notice of appeal is filed or within 20 days upon agreement of the City and the employee. Written notice shall be given by the Board to the employee and the department head or other appointing officer of the time and place set for hearing the appeal.

Section 4. The Board may, at the request of the appointing authority ordering suspension, reduction or removal of the employee involved, call other people for the purpose of ascertaining the facts. The Board may make any further investigation that it deems proper.

Section 5. Within 48 hours after completion of the appeal hearing or such investigation as authorized under Section 4, the Board shall report its findings that shall be conclusive and final, and the Department Head or other appointing official and the employee shall be notified of the Board's action.

Section 6. The acceptance by a Department Head or the appointing authority of the resignation of an employee suspended, reduced in rank or dismissed, before final Board action, shall be considered a withdrawal of the charges, and the separation of the employee concerned shall be recorded as a resignation and the proceedings shall be dismissed without judgment.

Section 7. If the notified employee fails to appear at the time of the scheduled hearing, the Board shall hear the evidence and render judgment thereon. If the Department Head shall fail to appear, and if no evidence is offered in support of the charges made, the Board may render judgment by default or may hear evidence offered by the removed employee and render judgment thereon, and the Board shall immediately notify the department head, the Mayor, and the removed employee of its decision.

Section 8. The employee shall be notified in person by the Department or Division Head or designee while on duty of the intent to issue a written reprimand. The original written reprimand shall be given to the employee at this time, a copy signed by the employee showing date served, to be retained by the department or division, and a copy of the signed reprimand forwarded to the Human Resources Department. The employee will be notified that a copy of the reprimand will be delivered to the Union, if the employee so desires.

Section 9. An employee, who has been issued a written reprimand, may submit a written rebuttal to the Board, through the Human Resources Department, within 14 calendar days after receipt of the notice of reprimand.

Section 10. The Personnel (Human Resources) Board, at its next regular meeting, will consider the matter of the employee's rebuttal to the written reprimand. The employee and the person issuing the letter of reprimand shall be notified of the time and date of the meeting, in order that both parties may appear.

Section 11. If either party fails to appear at the meeting, and a postponement has not been requested, then the Board shall consider the merits of the case, based upon the written reprimand and the written rebuttal and render its judgment. When justifiable cause has been shown for a request for postponement, the Board shall have the power to continue the item.

Section 12. The Human Resources Department shall notify the employee and the person issuing the letter of reprimand in writing of the Board's decision. If the letter of reprimand is upheld, it will be placed in the employee's file. If the Board disallows the reprimand, it will be retained as a part of the records of the meeting.

RULE XI **POLITICAL ACTIVITY/CONFLICTS/ETHICS**

Section 1. No person in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of the person's political or religious opinions and affiliations.

Section 2. No person shall willfully or corruptly make any false statement, mark any certificate, rating or report regarding any test, certifications or appointment held or made under the personnel provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder.

Section 3. No officer or employee in the classified service of the City shall continue in such position after being elected to any public office in the City of Hialeah.

Section 4. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with the person's test, appointment, proposed appointment, promotion or proposed promotion.

Section 5. No person holding a position in the classified service of the City shall take any part in the management or business of the political campaign of any person or political party or action committee while on duty.

Section 6. Any person who individually or with others willfully or corruptly violates any of the provisions of this rule shall be subject to disciplinary action, up to and including dismissal.

RULE XII **HOURS OF WORK, ATTENDANCE AND LEAVE**

Section 1. Hours of employment for any or all employees are subject to the Mayor's determination in the best interest of the City's service or as otherwise provided in the applicable CBA.

Section 2. The following regulations apply to vacations with pay:

- (a) Employees are allowed vacation with pay as provided in the applicable CBA.
- (b) Calculated on actual service in the previous calendar year, the vacation with pay schedule is as described in the applicable CBA.
- (c) If a person is initially employed by the City prior to the 15th of the month, it shall be considered as a full month of service.
- (d) It is intended that vacations will be taken within the calendar year in which they are earned. However, vacation time may be accumulated, as provided in the applicable CBA. Vacations with pay for all employees shall be granted on a seniority basis as long as it does not interfere with the efficient operation of the department or affect the welfare of the City.

Section 3. The following regulations apply to sick leave with pay:

- (a) Amount of Sick Leave. Employees may be allowed to accrue not more than 12 working days sick leave for each calendar year. Sick leave time covers working days only.
- (b) New employees are allowed sick leave with pay on the basis of one day for each full month of service during the first 12 months of employment but only after having successfully completed 3 months of service. After one year of service, such employees are considered for sick leave on the basis outlined in paragraph (a) above.
- (c) Hourly rate employees, who are later transferred to an annual salary basis, are eligible for sick leave, based upon the date of their original hourly appointment.
- (d) Temporary employees, whose appointment is made permanent without termination of service, are eligible for sick leave on the basis of the date of their original temporary appointment.
- (e) Employees who have been laid off and then recalled to service shall be given regular sick leave less one day for each month they were laid off.
- (f) Employees returning from military service will receive one day sick leave for each month of City service anticipated in the calendar year of their return. Their accumulated sick leave will be based on their annual City service.
- (g) Sick leave with pay is automatically cumulative from year-to-year.
- (h) The department head should not grant sick leave for any employee for time that would exceed the earned sick leave allowance mentioned below:
 - (1) Any employee shall be allowed one day for each month sick leave with a maximum accumulation as provided in the applicable CBA. Upon voluntary resignation, the employee shall be paid for sick leave in the employee's sick leave time bank, according to the provisions of the applicable CBA. Upon involuntary termination, the employee shall not be paid for sick leave in the employee's sick leave time bank, unless otherwise provided in the applicable CBA. Upon retirement or death, the employee or the employee's estate shall be paid for all unused sick leave at the employee's last rate of pay, unless otherwise provided in the applicable CBA. In order to maintain an accurate record, each Department or Division Head shall be required to make a daily attendance report to the Human

Resources Department on such forms as may be prescribed by the Human Resources Director.

(2) When an employee has exhausted all of the employee's accumulated sick leave, and the employee is still unable to resume job duties, all additional time absent from work will automatically be charged to the employee's vacation leave allotment, rather than dropping the employee from the payroll. If, however, that employee is unable to return to work and has exhausted both sick leave and vacation time due to the employee, the employee may be allowed to use accumulated compensatory time. If, however, the employee is found guilty of malingering, the employee shall be placed in a leave without pay status.

(i) Care and discretion shall be exercised by department heads to prevent the abuse of these liberal sick leave privileges. Absences on account of trivial indisposition must be discouraged. Under circumstances where the department head suspects that the employee is malingering, sick leave with pay may not be granted. To determine the extent of any employee's absence on sick leave, the department, division head or designee may visit the home of the sick employee.

(j) In order to receive compensation while absent on sick leave, the employee must take steps to notify the immediate superior of the illness within 2 hours after the time set for the beginning of the daily duties, or as provided in the applicable CBA. When the absence is for more than 3 consecutive duty days, upon return to duty, the employee must submit a medical certificate stating that the employee was unable to perform job duties during the employee's absence and that the employee is released to duty, in order to receive compensation for those days absent on sick leave.

Section 4. Upon approval of the Department or Division Head and the Mayor, any employee holding a position in the classified service shall be granted a leave of absence with pay for:

(a) Service upon a jury.

(b) Appearance before a court, legislative committee, or other judicial or quasi-judicial body as a witness in an action involving the federal government, the State of Florida, a political subdivision thereof, or the City of Hialeah, in response to a subpoena or other direct order by proper authority.

(c) Attendance in court in connection with an employee's official duty. Such attendance shall include the time required in going to the court and returning to the employee's place of duty. Any absence, however, whether voluntary or in response to a legal order to appear and testify in litigation not in the

capacity of an officer or employee of the City, shall be taken as annual leave, leave of absence without pay, or as a deduction from authorized accumulated overtime.

Section 5. The following regulations shall apply to personal leave with pay:

- (a) Holidays: The following days are National Holidays and compensatory time at time and one-half shall be allowed for work done on these days: New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. Compensatory time shall also be granted for City holidays, such as the Friday after Thanksgiving and any other City holiday, as provided in the applicable CBA.
 - (1) General Policy: All City employees, excluding part-time personnel, are entitled to the holidays observed by the City, except that the use of the floating holiday or the employee's birthday holiday, if provided in the applicable CBA, shall be controlled by the following procedure:
 - a. These holidays may be observed on any regularly scheduled workday at the convenience of the City. Although the City retains the right to approve or disapprove the particular day requested, every effort will be made to accommodate the employee's requested day.
 - b. These holidays cannot be accrued or transferred from one calendar year to the next.
 - c. An employee will be considered eligible for the floating holiday upon completion of 90 calendar days of continuous full-time service with the City, if provided in the applicable CBA.
 - d. An employee will be considered eligible to take their birthday holiday on or after their birth date, if provided in the applicable CBA.
 - (2) When a holiday falls on the regularly assigned day off of an employee, the employee shall be compensated as provided in the applicable CBA.
- (b) Religious Holidays: There is no official observance of religious holidays except those designated as National Holidays. Employees will be permitted to be absent from work in order to observe religious holidays. If feasible, work schedules will be arranged to allow compensatory time. Otherwise,

absences for religious observance will be charged against the employee's accrued time. If the employee has no accrued time, the employee's absence will be charged as leave without pay.

- (c) Maternal/Parental Leave: The amount of maternal/parental leave permitted to be taken by an employee, inclusive of vacation, other accrued leave and absence without pay, shall not exceed 9 months, unless otherwise prescribed by the applicable CBA. If maternal/parental leave is granted and the employee fails to return to duty at the expiration of such leave, without sufficient reasons and notification, the employee will be considered as having resigned from the service of the City.
- (d) Conventions, Conferences and Seminars: Attendance at conventions, conferences or seminars shall not be considered leave from duty and must be approved by the Mayor and Human Resources Director.
- (e) Employees participating in promotional examinations or open competitive Civil Service examinations for their current position will be granted time off without charge against leave for the time necessary to complete the examination.
- (f) Bereavement Leave: Any requests for time off shall be governed by the applicable CBA.
- (g) Other leave: The Mayor may approve requests for leave of absence for all employees in the classified service, upon the recommendation of the Department/Division Head and such leave shall be reported to the Board.

Section 6. Military leave for reserve or guard training: Employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time or efficiency rating on all days during which they are engaged in training. Leave granted under this provision shall be with pay and shall not exceed 17 working days in any one annual period, in addition to the normal vacation leave. Requests for military leave shall be made as early as possible, but at least 2 weeks prior to the date such leave is desired. Employees who take military leave provided in this section shall be credited with that time on their seniority status in the City of Hialeah Civil Service Records.

Section 7. Any employee who fails to report for duty at the expiration of a leave of absence, without the Mayor's approval, shall be considered having abandoned the employee's position and will be terminated from the City's service and will automatically be removed from the payroll.

Section 8. Each department is required to maintain a permanent record of the absences from duty of the employees who work in that department. The Human Resources Director shall be responsible for maintaining an accurate attendance record, on which tardiness of the employees

shall also be noted. Absence, irregular attendance of any kind, and tardiness shall be taken into consideration, when evaluating employees, and when such conditions continue, such factors shall justify disciplinary action against the employee. Recommendations for disciplinary action made by the employee's Department/Division Head or as otherwise provided in the applicable CBA shall be forwarded to the Mayor.

Section 9. If an employee becomes medically unable to perform the duties of a particular position in the classified service, the Department or Division Head, with approval of the Mayor, may transfer the employee to a vacant or another position or otherwise accommodate the employee taking into account any medical limitations, provided the employee is capable of filling the duties of the new position.

Section 10. Any employee in the classified service, who desires to resign, shall submit a written letter of resignation to the employee's Department or Division Head. The Department or Division Head shall report the resignation to the Human Resources Director. An employee, who separates from the City, relinquishes all rights recognized under civil service status.

RULE XIII
CHANGE OF RULES

These rules may be amended, repealed, or supplemented upon approval by the City Council if requested by the Board and the Mayor, provided the changes are in compliance with the provisions of Chapter 447, Florida Statutes.

RULE XIV
LONGEVITY PAY

Civil Service employees shall be given longevity pay according to the applicable CBA.

