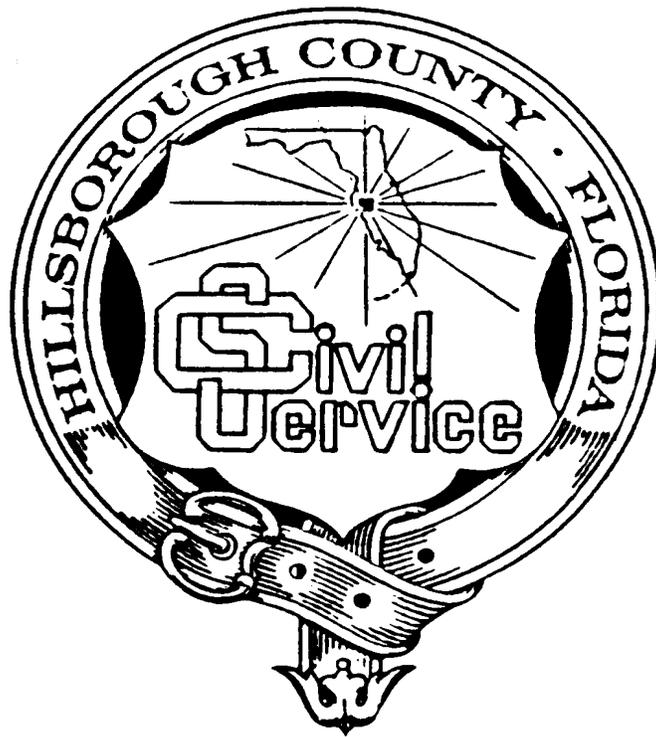


HILLSBOROUGH COUNTY CIVIL SERVICE BOARD



RULES

FOREWORD

This reprint of Civil Service Board Rules for the administration of Civil Service Law in Hillsborough County, Florida, contains revisions and amendments through July 21, 2012.

This printing is intended to be a permanent copy. As revisions and amendments are made, a new page or pages will be printed and distributed for substitution of older pages. The use of a three-ring notebook would be advisable in keeping this edition current.

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**Rules for the Administration of Civil Service Legislation Pertaining to Hillsborough County, Florida:****1.1 Title and Application:**

- a. These Rules shall be known as the "Civil Service Rules". They shall apply to all agencies, positions, and employees of Hillsborough County that are included within the provisions of Chapter 2000-445, Laws of Florida.
- b. The purpose of these rules is to provide general guidelines for the uniform administration and enforcement of the Civil Service Act. These rules set forth general personnel policies and procedures relating, but not limited to, the classification of positions, qualifications for employment and promotion, demotion, transfers, dismissal, and compensation under which all Civil Service employees and/or potential Civil Service employees will be governed.
- c. Nothing in these rules is intended, or should be interpreted, as forming an expressed or implied contract of employment between any governmental agency under the Hillsborough County Civil Service system and any employee or potential employee.
- d. If any rule is found to be in conflict with the Civil Service Act, Chapter 2000-445, Laws of Florida, the Civil Service Act will prevail.
- e. The terms "Civil Service Act" (CSA) and "Civil Service Law" (CSL), referring to Chapter 2000-445, Laws of Florida, are interchangeable as used herein.
- f. Current rule books are to be distributed to designated organizational units and shall be placed in easily accessible locations where they will be available for perusal by any interested employee. Although economic and administrative considerations preclude distribution of rule books to all employees individually, copies of the rules may be purchased for \$15.00 per book.

Definitions:**2.1 Acting Appointment:**

Interim assignment of a classified employee, to the duties of another position, pending the return of the incumbent or the selection of an eligible applicant.

2.2 Agency:

Any independent unit of Hillsborough County government that is subject to the provisions of the Civil Service Law and Rules. Such agencies are, but not limited to: Arts Council, Aviation Authority, Children's Board, Civil Service Board, Clerk of the Circuit Court, County Administrator, County Attorney, Environmental Protection Commission, Expressway Authority, Law Library, Legislative Delegation, Planning Commission, Port Authority, Property Appraiser, Public Transportation Commission, Hillsborough County Sheriff's Office, Soil and Water Conservation District, Supervisor of Elections, Tampa Sports Authority, Tax Collector, or Victim Assistance Program.

2.3 Agency Head:

The one elected or appointed individual within each Agency whose administrative authority supersedes that of all other individuals employed in that Agency. Such authority may be delegated to subordinate administrators at the discretion of the Agency Head.

2.4 Appointing Authority:

Any person or agency authorized under this act or other statutory authority to employ personnel to carry out the responsibilities of the agency. [CSL Section 5 (1)]

2.5 Beneficiary:

The person(s) designated as the beneficiary, in writing, to receive a specific County benefit or adjusted unpaid earned wages, in the event of the employee's death. In the absence of a designated beneficiary, or if no designated beneficiary survives the employee, the beneficiary shall be the spouse of the deceased, if living. If the employee's spouse is not alive at his or her death, the beneficiary shall be the living children of the employee. If no children survive, the beneficiary shall be the member's father or mother, if living; otherwise, the beneficiary shall be the employee's estate. (Chapter 121.091 (8) Florida Statutes)

2.6 Benefits Date:

Except as provided in Civil Service Rule 7.31(5), the Benefits Date is that date from which an employee has unbroken service as a classified employee of Hillsborough County.

2.7 Break In Service:

Except as provided in CSR 7.31 (5), a break in service is an interruption of continuity of employment in the Hillsborough County Civil Service system as a result of a legal termination or voluntary resignation of such employment. To preclude a break in service an employee accepting employment with another Hillsborough County Agency must be picked up by the gaining Agency the next calendar day following the last day worked at the losing Agency.

2.8 Civil Service:

The terms service and Civil Service system mean the positions established and administered by the Civil Service Board and its staff in accordance with the Civil Service Act, Chapter 2000-445, Laws of Florida. [CSL Section 5(8)]

2.9 Classified Employee:

One whose position is subject to regulation by the Civil Service Board and who accrues appeal rights upon obtaining tenure. [CSL Section 5(9)]

2.10 Conditional Probationary Period:

Normally, a period of six months of conditional probation, immediately following promotion. This period may be extended an additional period of up to six months. Such period of employment does not affect the employee's earned tenured status and rights. [CSL Section 10(2)]

2.11 Demotion:

Movement of an employee from a position in one classification to a position in another classification having a lesser degree of responsibility and a lower pay grade. [CSL Section 5(14)]

2.12 Emergency Temporary:

Employees who are called to work unexpectedly for brief periods and whose employment ceases when the purpose for being called is satisfied. Employee does not occupy a classified position and as such is in the unclassified service.

2.13 Employee:

A person occupying a position in either the classified or exempt (unclassified) service. [CSL Section 6(1)]

2.14 Executive Manager:

An unclassified employee in a position with certain management functions, which is exempt under the Civil Service Law from inclusion in the classified service. [CSL Section 5 (16)]

2.15 Functional Transfer:

A position and its incumbent is transferred from one department/agency to another department/agency. In such instances, continuous performance monitoring in the job classification is not interrupted so as to necessitate the implementation of transfer requirements or procedures according to Civil Service Law and/or Rules.

2.16 Hourly Employee:

An employee whose position is covered by the Fair Labor Standards Act (FLSA); also known as non-exempt. Classifications that have such positions are identified in the Civil Service Classification and Pay Plan with a recommended FLSA Exempt code of "N". [CSL Section 7(2) (o)]

2.17 Initial Probationary Period:

A period of probational employment, in the same position (other than functional or position number change), immediately following initial appointment in the Civil Service system, or following a break in service. Such period of probation shall normally be for six months, which may be extended for an additional six months. During this period, the employee may be dismissed without appeal to the Civil Service Board. Reference CSR 7.31(7) (8) regarding the transfer of employees from the unclassified service to the classified service.[CSL Section 5(19) and 10(1)]

2.18 Limited Duration Employee:

An employee appointed to a position established under a grant agreement, or other specific funding source, having distinct time or funding limitations. Limited Duration employees may accrue tenure and shall be entitled to the benefits of regular appointed classified employees. Their entitlement to the position will be terminated, without appeal to the Civil Service Board, upon the expiration of the funding source or grant agreement.

2.19 Other Class Transfer:

The change of an employee from one classification to another classification without a change in pay grade.

2.20 Part-time Employee:

One who is employed to work less than 50 percent of the normal work period and, as such, is in the unclassified service. [CSL Section 5(21) and Section 6 (2)(e)]

2.21 Performance Increase:

An increase in an employee's hourly rate of pay within the same pay grade and salary range, based on recommendations resulting from the employee's Performance Report.

2.22 Performance Review Date:

The Performance Review Date is that date upon which the employee is normally due a Performance Report.

2.23 Position:

Any employment requiring the services of one person. Positions in the classified or unclassified service, other than temporary positions, shall be only those established and numbered by the Civil Service Board.

2.24 Position Number Change:

The movement of an employee to satisfy training rotations, shifting workload demands, payroll number/Management Information System (MIS) actions, budgetary system changes and similar administrative actions. In such instances, continuous performance monitoring in the job classification is not interrupted such as to necessitate the implementation of transfer requirements or procedures according to Civil Service Law and/or Rules.

2.25 Promotion:

Movement of an employee from a position in one classification to a position in another classification having a greater degree of responsibility and a higher pay grade. [CSL Section 5(23)]

2.26 Proper Notice:

Proper notice to an Appointing Authority of the intended departure of an employee from a position shall not be less than two weeks. The Appointing Authority may waive the two week notification requirement based on personal or professional reasons which justify the employee's inability to provide two week notification; and, when the Appointing Authority determines the employee's early departure will not prejudice the agency/department and is in the best interest of Hillsborough County.

2.27 Reclassification:

An action taken to reassign a position from one job classification to another job classification because of significant changes to the major duties and responsibilities. The classification title and classification code will change as a result of the reclassification action. The pay grade may or may not change as a result of this action.

2.28 Red Circle:

When an employee has been authorized by the Civil Service Board to receive a salary in excess of the established maximum for the classification, the employee's salary is figuratively placed in a red circle to indicate that it shall remain unchanged during employment in that classification until the authorized maximum annualized salary for the classification is increased to an amount that equals or exceeds the red circle salary.

2.29 Reduced-Hour Employment:

Any classified employment scheduled for a least 50% but less than 100% of the regular hours worked by full-time employees in the same agency. All employee benefits which are divisible are earned in the ratio that the reduced-hour employment is to full time. Notwithstanding the foregoing language and with a finding of good cause, the Board may grant exemptions to an Appointing Authority's obligations to offer to reduced hour employees specific paid benefits that are otherwise required by these rules.

2.30 Reemployment:

Appointment of an individual to a classified position within a period of one year following dismissal resulting from a reduction-in-force. [CSL Section 5(24) (25)]

2.31 Regrading:

An action to assign a different pay grade to a classification or series of classifications based on labor market data. The grade change may be to a lower or higher pay grade. A regrade affects all positions allocated to the classification(s) regraded. There is no change to the job duties and responsibilities, however, the title could change to be more descriptive of the job performed.

2.32 Reinstatement:

Appointment of an individual to a classified position within a period of one year following dismissal resulting from a Workers' Compensation job related injury, or in cases involving the return of an employee from active military service. [FS 440.491], [38 USCS 4321-4237 and FS 295]

2.33 Resignation:

The voluntary termination by an employee from the employment of Hillsborough County. [CSL Section 5(26)]

2.34 Restricted Employment:

An employee appointed to replace a classified employee that is on an approved absence. Restricted employees may accrue tenure and shall be entitled to the benefits of regular appointed classified employees. Their entitlement to the position will be terminated, without appeal to the Civil Service Board, by the return of the incumbent after an authorized absence.

2.35 Retitle:

A revision of an existing classification title, identifying it with a new classification name to better describe and/or update the overall job reference.

2.36 Salaried Employee:

An employee whose position meets the criteria established by the Fair Labor Standards Act as being exempt from overtime compensation. Classifications that have such positions are identified in the Civil Service Classification and Pay Plan with a recommended FLSA Exempt code of "Y. [CSL Section 7 (2) (o)]

2.37 Set-Point:

The maximum amount of sick leave accruals payable to an employee under Sick Leave Plan "B". The employee's original set-point was established based on the employee's unused sick leave balance upon entering Sick Leave Plan "B" in February 1997. Such balance may be used, but, shall not be subsequently replaced by additional accruals. (Reference CSR 10.4a(4))

2.38 Substitute Employee:

An employee who is employed to fill the position of a classified employee who is on an approved leave of absence. A substitute employee may work in any one position for a maximum of 120 consecutive calendar days. As long as the substitute employees does not exceed 120 days worked in the same position, the substitute employee may remain on an "on call" roster indefinitely. Substitute Employee is a class of employees that is expressly exempt from the provisions of the Civil Service Law and Rules. However, the Civil Service Law and Rules do define the Substitute Employee Class, require satisfaction of job minimum qualifications and provide for tenure limits. [CSL Section 5(28)/CSL Section 6(2)/Section 9(4)]

2.39 Temporary Employee:

An employee whose employment in one position or any combination of positions is not intended to exceed 120 consecutive calendar days from the first day worked. Temporary Employee is a class of employees that is expressly exempt from the general provisions of the Civil Service Law and Rules. However, the Civil Service Law and Rules do define the Temporary Employee Class, require satisfaction of job minimum qualifications, provide tenure limits, and provide for the extension of those tenure limits. [CSL Section 5(30)/CSL Section 6(2)/Section 9(3)]

2.40 Tenured Employee:

A classified employee who has successfully completed a minimum of six months initial probation in the same position (other than functional or position number change) and any such additional extended probation, not to exceed six months, as required by the Appointing Authority, following initial appointment and no subsequent break in service. [CSL Section 5(31)/Section 10(1)]

2.41 Trainee Classification:

A classification that is paired with a fully skilled classification within a career ladder. Individuals hired into a trainee classification are provided with training, education and/or work experience which, upon completion of the trainee program, qualifies them for promotion to the fully-skilled classification.

2.42 Transfer:

Change of an employee from one position to another position. [CSL Section 5(32)/Section 10(3)(a)]

2.43 Unclassified (Exempt) Employee:

One whose position is in a class enumerated in Section 6(2) of the Civil Service Law as exempt from the classified service, and having such rights as are provided by the Appointing Authority. The terms exempt and unclassified are interchangeable. [CSL Section 5(17)/ Section 6(2)]

Employees and Advisors of the Board:**3.1 Employees:**

- a. The Civil Service Board hereby establishes in the exempt service the position of Director of the Civil Service staff to assist the Board in carrying out the purposes of the Civil Service Act. The Director shall be the executive manager for the Civil Service office and the Appointing Authority for employees of that office. [CSL Section 7(2) (f)]
- b. The Director shall maintain all centralized personnel records and correspondence files relating to county employees and positions included under the Civil Service Act; keep and maintain such records as may be necessary for the proper administration of these rules; and shall perform such functions and duties as may be required by the Board.[CSL Section 7(2) (f)]
- c. Also exempt from classified service is the legal counsel to the Civil Service Board who shall have such duties and receive such fees for services as are agreed upon from time to time between the Board and that attorney. [CSL Section 7(2) (g)]

3.2 Review of Any Action:

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

3.3 Deputies to the Civil Service Board:

The person in charge of personnel in any agency containing more than 500 classified positions is deputized and designated as an agent of the Civil Service Board to coordinate all personnel actions of those agencies in accordance with Civil Service rules, and to perform such other duties as delegated by the Civil Service Board.[CSL Section 7(2) (k)]

3.4 Employees Advisory Committee:

- a. The Employee Advisory Committee (EAC) serves as a medium to provide a continuous and meaningful exchange of ideas and practical solutions on personnel matters between the Civil Service Board and employees. The Committee shall be so comprised that each member represents a constituency approximately equal in number to each other constituency. Groupings of employees represented shall have commonality of interest insofar as groupings of appropriate size can be defined. The Civil Service Board shall determine the number of members based on employee population. [CSL Section 20)

3.4 (Continued)

- b.** Members of the EAC shall be chosen by vote of the employees represented. Continuity shall be fostered by continuance of the established practice of electing members to terms of four years staggered so approximately half of the terms expire in different years from the others. [CSL Section 20]
- c.** Upon call of the staff of the Civil Service Board, the Appointing Authority of employees affected shall appoint a coordinator to register nominations for membership on the EAC. Normally the Supervisor of Elections will administer elections among employees to be represented. Each classified employee represented shall have one vote. The nominee having the greatest number of votes shall be declared elected. Should that member not complete the four-year term for any reason, the nominee with the next greatest number of votes shall succeed to membership. Should there be no other nominee who has received votes, a new election shall be held for the unexpired term.[CSL Section 20]

Establishment and Discontinuance of Positions:**4.1 Position Control Listing:**

The Director of the Civil Service Office shall maintain a position control listing for each agency, indicating as a minimum, the authorized position number, classification title, classification code, and the incumbent, that have been established under the provisions of Civil Service Law and Rules [CSL Section 7 (2) (1)]

4.2 Establishment of Positions:

- a. Each Appointing Authority shall report to the Board its intention to establish any new position that may be classified.[CSL Section 9(1)]
- b. No person shall be paid in any classified position until the allocation of the classification has first been approved by the Board. [CSL Section 17]

4.3 Inactivation of Positions:

- a. The appointing authority, with the concurrence of the Civil Service Board, may inactive any position that no longer meets the requirements of the agency or department. Such position(s) shall be marked as inactivated on the Position History file. The Director shall report to the Civil Service Board all positions which have remained vacant for twelve months and the Board may declare them inactivated unless it is determined that circumstances justify continuance for a longer period.[CSL Section 9(6)]
- b. Inactivated positions may be re-established under the procedure provided for establishing new positions.[CSL Section 9(1)]

4.4 Civil Service Incorporation Clause:

In the event that positions or groups of positions from other offices, departments, agencies, or governmental jurisdictions are incorporated into the Hillsborough County Civil Service system, the incumbents of those positions shall be considered to have met the qualification standards determined to be appropriate for other comparable positions performing similar duties within the Civil Service system. No further competitive examination will be required for the classification which the incumbent is assigned. All other requirements of performance, physical ability and completion of a successful probation period shall be observed, except that, status already acquired at the time of transfer to the Civil Service system shall be honored.

Classification Plan:

5.1 Purpose and Use:

- a. The Classification Plan provides a systematic arrangement and inventory of classifications in the Civil Service System. The Plan includes classification descriptions that are broad in nature that could encompass a large number of positions in many different functional areas but are indicative of the range of duties, responsibilities, and level of work performed. They are not intended to capture all the duties of a particular position. The Classification Plan groups classifications into broad categories of similarly related jobs.
- b. The Civil Service Board shall adopt, alter, amend or modify in total or in part the Classification Plan, including specifications for each classification under the Civil Service System; and shall be responsible for the overall coordination, review and maintenance of the Plan.
- c. No person shall be paid in any classified position until the position has been properly classified by the Civil Service Board or delegate, and the incumbent has been duly qualified and properly appointed. [CSL Section 17]
- d. In the event of a declared local emergency, employees may be called upon to work outside of their normal job classification as directed by the County Administrator who serves as the Director of Emergency Management for Hillsborough County. [FS 252.38(3)(a)]

NOTE: It is the responsibility of the County Administrator who serves as the Director of Emergency Management to assign and make available for duty the office and agencies of Hillsborough County including employees, property, and equipment to ensure the health, safety, and welfare of the community for the duration of the emergency period.

5.2 Administration of the Classification Plan:

- a. The Civil Service Board Director shall have the primary responsibility for the administration and maintenance of the Classification Plan. These responsibilities shall include:
 - (1) establishment of a Classification Plan;
 - (2) overall coordination, review, and maintenance of the Classification Plan;
 - (3) periodic studies, reviews or surveys to assure the Classification Plan is current:

5.2 (Continued)

- (4) development of procedures and forms to be used by all departments or agencies in describing assigned duties, responsibilities, supervisory relationships, authority, knowledge, skills, abilities, and other characteristics required to determine the proper classification of each position.
- b. Each agency or department is responsible for maintaining the integrity of the Classification Plan by assuring that employees are performing the duties and responsibilities at the level consistent with their assigned classification. If duties and responsibilities of a position change due to any circumstance, the agency or department shall immediately notify the Civil Service Board Director, using the prescribed forms, so that the position may be evaluated for proper classification.

5.3 Classification Description:

- a. A Classification Description contains broad, generic duties to be performed by individuals holding that classification, but are not intended to be limiting or all inclusive. The Classification Description shall be used to describe similar positions that should be allocated to the same classification, and do not necessarily prescribe all the duties or responsibilities of any one position. Also, the description does not in any way modify the authority of an Appointing Authority to assign duties to, or to direct and control the work of any employee, as referenced in 5.2b. above.
- b. The Civil Service Board Director shall maintain a master file of all Classification Descriptions and shall make all Classification Descriptions available to each Appointing Authority and the general public.

5.4 Amendments of the Classification Plan:

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

5.5 Establishment and Classification of Positions:

When an additional position is to be established, the Appointing Authority shall submit a Request for Position/Classification Action, using the most current Job Content Questionnaire to describe the duties and responsibilities of the position. The Civil Service staff will evaluate the proposed duties, responsibilities, and other related data, and with Civil Service Board approval, establish the position and assign it to the appropriate classification.

5.6 Reclassification of Positions:

- a.** If an Appointing Authority has reason to believe that a position is improperly classified, he or she shall immediately request the Civil Service Board Director to review the position classification. Such request shall be submitted using the Request for Position/Classification Action and a Job Content Questionnaire, completed by the position's incumbent or the supervisor of the position. The Civil Service staff will evaluate the position duties, responsibilities, knowledge, skills, abilities, and other related data, and determine the appropriate classification, with Civil Service Board approval.
- b.** Established positions may be reclassified from one classification to a different classification under the following conditions:
 - (1) there has been a significant change in the assignment of duties and responsibilities; and
 - (2) the change in duties and responsibilities is of a permanent nature; and
 - (3) the revised position duties match a different classification better than they match the current classification.
- c.** Reclassification of positions shall not be effected when:
 - (1) the requested action is to recognize job performance or qualifications; or
 - (2) the added duties and responsibilities are minor in nature and would be a logical function of the current classification; or
 - (3) the added duties and responsibilities are temporary in nature; or
 - (4) the only change involved is an increase in the employee's workload; or
 - (5) the primary purpose is to raise the employee's salary without any change in duties and responsibilities.
- d.** When any occupied position is reclassified, the incumbent must establish eligibility for the new classification within three months of the effective date of the position reclassification action in order to remain in the same position. No vacancy shall be deemed to occur unless the incumbent is unable to establish eligibility for the new classification.

5.6 Continued

- (1) Incumbent eligibility may be established by either of the following two methods. The choice of method shall be at the discretion of the Agency Head and the choice shall not be subject to appeal to the Civil Service Board.

(a) **Eligibility Method One:**

- 1) The incumbent shall satisfy all aspects of the minimum qualifications of the new classification and achieve a passing score on all tests normally administered to job candidates. The incumbent need not apply for the new classification, but may be required to update work history information or provide proof of certification/licensure; and
- 2) Notwithstanding the provisions of Civil Service Rule 6.4e, the incumbent shall be given a maximum of three attempts to achieve a minimum passing score on all written and practical tests normally administered to job candidates for the new classification and there shall be a minimum two week waiting period between each testing attempt.

(b) **Eligibility Method Two:**

- 1) The incumbent must be a classified employee for a period of not less than six months; and
- 2) The incumbent need not apply for the new classification, but shall be required to produce documentation of all minimum qualifications of the new classification that are required by Federal or State Law, Contract, Administrative Code, or Hillsborough County Ordinance; and
- 3) The Appointing Authority shall certify, in writing, to the Civil Service Board Director that the incumbent has, for a minimum of six months, successfully performed the job duties shown in the Job Content Questionnaire used by the CS Staff as the basis for the decision to reclassify the position the incumbent occupies.

NOTE: Satisfaction of the requirements of “Method Two” is sufficient to allow the incumbent to remain in the current position and transfer to other positions in the same classification within the current agency. However, to be eligible for transfer within the same classification, but to a position outside the current agency, CS Rule 7.3k requires that the incumbent apply for the new position when it is on recruitment and meet all minimum qualifications.

5.6 (Continued)

- (2) When the incumbent of a reclassified position fails to establish eligibility for the new classification, or does not accept another position within three months from the effective date of the position reclassification action, he or she shall be processed in accordance with CS Rule 11.7 (Reduction-In-Force).
- (3) When the incumbent of a reclassified position establishes eligibility for the new classification, the following shall apply:
 - (a) When the classification to which a position is assigned, following reclassification, is in a higher pay grade than the classification to which the position was assigned prior to reclassification:
 - 1) the incumbent shall be promoted to the new classification.
 - 2) the effective date of the promotion shall normally be the same as the effective date of the position reclassification.
 - 3) the incumbent shall receive an increase in salary as provided for in CS Rule 8.2a(2).
 - 4) the incumbent shall serve a period of conditional probation effective on the date the position is reclassified or effective the date the incumbent qualifies, which ever is later.
 - 5) the incumbent's Performance Review Date shall be adjusted.
 - (b) When the classification to which the position is assigned, following reclassification, is in the same pay grade as the classification to which the position was assigned prior to reclassification:
 - 1) the incumbent shall be transferred to the new classification (other class transfer).
 - 2) the effective date of the other class transfer shall normally be the same as the effective date of the position reclassification.
 - 3) the incumbent shall receive no change in salary.
 - 4) the incumbent shall not serve a period of conditional probation.
 - 5) the incumbent's Performance Review Date shall not be adjusted.

5.6 (Continued)

- (c) When the classification to which the position is assigned, following reclassification, is in a lower pay grade than the classification to which the position was assigned prior to reclassification:
 - 1) the incumbent shall be involuntarily demoted, without prejudice, to the new classification.
 - 2) the effective date of the involuntary demotion, will be the date specified in official notification from the Civil Service Board.
 - 3) the incumbent shall be reduced in salary in accordance with the provisions of CS Rule 7.3c.
 - 4) the incumbent shall not serve a period of conditional probation.
 - 5) the incumbent's Performance Review Date shall not be adjusted.

5.7 Criteria for Exceptions:

- a. Exceptions to the above rules may be approved by the Civil Service Board based upon written justification by the Appointing Authority which supports all of the following:
 - (1) granting the exception would avoid a hardship on the employee;
 - (2) granting the exception would benefit the agency/department by retaining the services of the employee;
 - (3) the employee's performance warrants the exception; and
 - (4) granting the exception would be in the best interest of Hillsborough County or the Appointing Authority.

- b. In the event the reclassification process takes an extended period of time, the Appointing Authority may request, in writing, that the effective date of the reclassification action be made retroactive for a period not to exceed 60 days from the date of the Civil Service official notification letter approving the reclassification. This request should be based on the fact that the employee was performing the duties identified in the Job Content Questionnaire used to make the classification decision on the date requested.

5.8 Regrading of a Classification:

- a. The Civil Service Board Director may initiate, or the Civil Service Board may direct, or an Agency may request a review of the salary range assigned to a classification or a series of classifications when there is:
 - (1) a perception of possible internal or external inequity between jobs; or
 - (2) difficulty in recruiting qualified candidates or retaining current employees.
- b. An internal equity problem, affecting employees in another classification in the same series or, in the direct line of authority of the classification being regraded, could result due to the regrading action. The Civil Service staff will review all positions in other classes in the same series or, in the direct line of authority of the positions being regraded to determine if an internal equity problem is being created. If it is determined that an internal equity problem exists, a pay adjustment shall be granted to employees in the affected position(s). The amount of the adjustment will be based on the severity of the internal equity occurrence, as determined by Civil Service staff in conjunction with the Agency involved, and approved by the Civil Service Board.

5.9 Retitling of a Classification:

The Civil Service Board Director may initiate, or the Civil Service Board may direct, or an Agency may request a classification to be retitled, identifying it with a new classification name to better describe the duties and responsibilities involved. Normally the classification code, pay grade, or minimum qualifications are unchanged. Minor changes to the major function, duties, or knowledge, skills, and abilities are permissible provided they are not significant and do not alter the original intent of the original functions and duties of the classification.

5.10 Trainee Classification:

- a. The purpose of Trainee classifications is to provide a method for Appointing Authorities to hire less than fully skilled applicants and, through on-the-job training, enhance their job-related knowledge, skills, abilities, and other characteristics to the point that they can perform the duties of a higher level, fully-skilled classification.
 - (1) Trainee classifications are always paired with a higher level, fully-skilled classification. Further, each Trainee position is paired with a specific position in the higher level, fully-skilled classification.

5.10 (Continued)

- (2) For funding purposes, a fully-skilled/Trainee position pair represents one funded position. Therefore, either the Trainee position or the target position may be filled, but both positions may not be filled at the same time.
 - (3) Employees may not remain in a trainee position on a permanent basis. Employees who complete the training program are promoted to the fully-skilled classification, those who do not complete the training program are dismissed (if a new employee) or returned to former classification (if a promoted employee) in accordance with Rule 7.3g. Also refer to rules 5.10 e. and f. for further guidance.
- b. An Appointing Authority may request the creation of a Trainee classification using the Civil Service Office Request for Position/Classification Action and providing the proposed minimum qualifications and any other clarifying comments needing to be reflected on the classification description. A Job Content Questionnaire is not required.
 - c. The Civil Service Office, with the approval of the Civil Service Board, will create the Trainee classification, assign it to an appropriate pay grade and create a classification description. The title of the trainee classification will normally be the title of the fully-skilled classification with “Trainee” added. A Trainee position number begins with the letter “R” and is otherwise identical to the fully-skilled position with which it is paired. For example, fully-skilled position number 12345 would be paired with trainee position number of R12345.
 - d. Incumbents of trainee positions shall serve a minimum of a six month training period and successfully complete all training requirements established by the Appointing Authority, to include obtaining any licenses or certifications required to perform the job, as specified on the trainee and fully-skilled classification descriptions.
 - (1) The Appointing Authority may extend the training period to allow additional time to complete training requirements or obtain required licenses or certifications.
 - (2) Trainee periods may not exceed two years.
 - (3) Throughout the duration of the training program, job performance reports must be completed in accordance with Rule 12 and submitted to the Civil Service Office along with a completed Personnel Action Form.

5.10 (Continued)

- e. Upon successful completion of all training requirements, the Appointment Authority will submit a Personnel Action promoting the incumbent to the fully-skilled position. A statement shall be entered in the remarks section of the Personnel Action Form stating that the incumbent has successfully completed all training requirements. A current job application and a copy of all required licenses and certifications shall be attached to the promotion personnel action. The Civil Service Office will verify the employee's eligibility for the fully-skilled classification and retain a copy of all information provided in the employee's official personnel file and employment application file. The promotion will be governed by CS Rule 8.2a.(2).
- f. If the employee performs at a less than successful level following promotion to the fully-skilled classification, the employee must be removed from the fully-skilled classification through one of the following methods, depending on whether the employee entered the trainee classification via an internal promotion or as a new hire.
 - (1) If a new hire: the employee shall be processed in accordance with CS Rule 11.2.
 - (2) If an internal promotion: the employee shall be returned to a position in the classification the employee held prior to being promoted to the trainee classification. The provisions of CS Rule 7.3.g (6) – (10) apply.

5.11 Criteria for Exemption from the Classified Service:

- a. In addition to the types of employment specifically placed in the unclassified service, the Civil Service Law provides that the unclassified service shall include all Executive Managers as designated by any Appointing Authority and which meet the criteria stated below. [CSL Section 5(16)]
- b. The criteria for determining if a position designated as Executive Manager should be unclassified is that the incumbent in such position shall:
 - (1) have primary responsibility for the administration of a department or division that is major in scope in terms of a county-wide program except as may be limited by municipal programs, or
 - (2) be entrusted with developmental or confidential information and high level responsibility for:
 - (a) program research, development, implementation, and monitorship;
 - (b) formulation of policies; or
 - (c) day-to-day operations, administration, and departmental or division decision making.

5.12 Major Classification Studies:

- a. The Director of the Civil Service Board may initiate, or the Civil Service Board may direct, or an Agency may request, a periodic review of a classification series, or a group of classifications that cross organizational lines at either the Agency or Department level where there is:
 - (1) a perception of possible internal or external inequity between jobs;
 - (2) difficulty in determining differences between classification levels in a series for position allocation purposes;
 - (3) apparent overlapping of duties between job classifications;
 - (4) reorganization of an agency or department which may result in the consolidation of or realignment of functions and;
 - (5) any other extraordinary changes in job or organizational structures that may justify this initiative.

- b. A major classification study may result in the consolidation of existing classifications, creation of new classifications, reduction or increase in pay grade, changes in the minimum qualifications, or other changes that may impact the status of positions and/or incumbents thereof under the existing applicable Civil Service Rules.

- c. Whenever it becomes necessary to conduct a major classification study, such a study will include the following phases and actions:
 - (1) **Phase I: Project Planning, Orientation, and Communication:**
 - a. agreement on the study objectives, rationale, scope, impact, and methodology with affected Appointing Authorities;
 - b. communication relative to the study with affected Appointing Authorities and employees and, as an option;
 - c. establishment and orientation of an Employee Classification Advisory Committee to participate in the job evaluation and classification description review processes.

5.12 (Continued)**(2) Phase II: Civil Service Job Analysis:**

- (a) information gathering to include the distribution and collection of individual job content questionnaires and if necessary the auditing and observation of job performance..
- (b) conduct management interviews to:
 - (1) understand organization objectives and job requirements:
 - (2) determine organizational structures, lines of authority and delegation, flow of work, sources of information, and other relevant data;
 - (3) determine what work needs to be done and how it is accomplished;
 - (4) determine how many classifications or series of classifications are needed and work assigned to each;
 - (5) discuss recommendations for establishing or classifying positions, describing work, knowledge, skills, abilities, education, experience and other requirements, career paths, organizational relationships, and classification titles.

(3) Phase III: Classification Description Writing.**(4) Phase IV: Evaluation of Classifications Resulting from Phase III, Utilizing the Hay Methodology.****(5) Phase V: Classification Category/Series Structure Analysis, Considering Results of Phase IV.****(6) Phase VI: Position Allocation Recommendation and Career Progression Policy Development.****(7) Phase VII: Preparation of final report and presentation to the Civil Service Board for approval.**

5.12 (Continued)

- (8) Phase VIII: **Implementation and notification of final position allocation to Appointing Authorities with instructions for preparation and submittal of required paperwork in accordance with applicable Major Study Guidelines.**
- (9) Phase IX: **Notification in writing to employee's of their position classification allocation.**

5.13 Major Classification Study Compensation Procedures:

- (a) The following policies will apply when the study results in the employee being placed in a classification having the same pay grade:
 - (1) the employee need not apply for, or meet the minimum qualifications, of the new classification.
 - (2) the employee will not be placed on probationary status.
 - (3) the employee will be placed in the new classification at the same rate of pay as he or she held in the former classification.
 - (4) the employee will retain their Performance Review Date.
- (b) The following policies will apply when the study results in the employee being placed in a classification with a higher pay grade:
 - (1) the employee need not apply for, or meet the minimum qualifications, of the new classification.
 - (2) the employee will be placed on conditional probation.
 - (3) the employee will receive an increase in salary of five (5) percent, or raised to the minimum of the new pay range, whichever is higher.
 - (4) the employee's Performance Review Date will be adjusted to a date that is six months from the effective date of reclassification.
- (c) The following policies shall apply when the classification action results in the employee being placed in a classification with a lower pay grade:
 - (1) the employee need not apply for, or meet the minimum qualifications, of the new classification.
 - (2) the employee will not be placed on probationary status.

5.13 (Continued)

- (3) the employee will be placed in the lower classification at the same rate of pay as the employee held in the higher classification. If the employee's rate of pay is above the maximum of the new classification, the employee's salary will be "Red Circled".
- (4) the employee will retain their Performance Review Date.
- (d) The following policies shall apply when the classification action results only in a change in classification title or a change in classification code:

 - (1) the employee need not apply for, or meet the minimum qualifications, of the new classification.
 - (2) the employee will not be placed on probationary status.
 - (3) the employee will not receive any additional compensation.
 - (4) the employee will retain their Performance Review Date.

Recruitments and Applications:**6.1 Filing of Applications for Appointment:**

- a. A Civil Service Board employment application must be filed with the Civil Service Board by any person who wishes to be considered for employment in the classified service. The filing of such application must be in response to a recruitment announcement issued by the Civil Service Office.
- b. Fraudulent conduct or false statements by an applicant or by others with the applicant's connivance, in any application or examination, shall be deemed cause for the exclusion of such applicant from examination, or for the removal of their name from the certified eligibility list, or for termination. [CSL Section 18]
- c. Any applicant or employee must be physically and mentally able to perform the essential duties of the position to which the applicant seeks appointment with or without reasonable accommodations.

6.2 Types of Recruitments:

- a. There are two types of recruitments: closed promotion and open. Closed promotion recruitments and open recruitments are independent of each other. If an employee applies for a closed promotion recruitment and wants to be consider for the same classification under open recruitment, the employee must also apply under the open recruitment process.
- b. **Closed Promotion Recruitment:**
 - (1) Closed promotion recruitments shall be conducted to fill vacancies whenever there is a minimum of five (or the number of vacancies plus four) employees in a lower classification, the duties of which tend to qualify the individual for the higher classification Sub-Classification, as defined in CSR 6.3 shall not be used to evaluate whether a closed promotion recruitment is required. [CSL Section 8(2)]
 - (2) Eligibility for closed promotion recruitments shall be restricted to those classified employees who have successfully completed initial probation. The term "promotion" does not necessarily mean the individual selected through the closed promotion recruitment will be promoted, but may actually be laterally transferred, or voluntarily demoted.
 - (3) Closed promotion recruitments shall be posted a minimum of two weeks for the purpose of accepting applications. Notice of closed promotion opportunities shall be posted in conspicuous places where they may be seen by all employees potentially eligible for promotion. [CSL Section 8]

6.2 (Continued)

- (4) The names of qualified applicants shall be placed on the eligibility list in alphabetical order. Such list shall be valid for sixty (60) calendar days, unless extended or cancelled by the Civil Service Board.
- (5) Notwithstanding the sixty-day life cycle of the closed promotion eligibility list, additional closed promotion recruitments for the same classification may be conducted, providing the original recruitment has closed, and the new requestor is from a different agency than the original requestor.

c. Open Recruitments:

Civil Service Recruitment Bulletins announcing open recruitment opportunities shall be posted a minimum of two weeks for the purpose of accepting applications. Any person may apply. The names of qualified applicants shall be placed on the eligible lists in alphabetical order. Such list shall be valid for ninety (90) calendar days, unless extended or cancelled by the Civil Service Board. [CSL Section 8]

6.3 Sub-Classification Recruitment**a. General**

- (1) A sub-classification is a “class of position” as defined in the Civil Service Law. [CSL Section 5(10)]
- (2) Submission of a sub-classification recruitment does not eliminate the by-law requirement to conduct a closed promotion recruitment as outlined in CSR 6.2b(1).
- (3) An Appointing Authority may request that the Civil Service Office conduct a sub-classification recruitment in order to better focus on position-specific job requirements listing position specific job duties and more restrictive minimum qualification than the generic classification.
- (4) Sub-classification recruitments can be either of two types: skill base and non-skill based.

b. Skill based sub-classification recruitment:

- (1) The following rules shall be followed when creating minimum qualifications for a skill based sub-classification recruitment:
 - (a) Sub-classification minimum qualifications may differ from the generic job classification in the type of degree or the type of experience. The identical level of education and number of years of experience as stated in the generic classification description must be maintained. The qualification cannot require a higher degree or more years of experience than in the generic classification description.

- (b) Specific licenses or certifications may be added to the skill based sub-class minimum qualification whenever the generic job classification description indicates that possession of a license or certification may be required by the Appointing Authority.
 - (2) Conducting skill based sub-classification recruitment may be approved based upon all of the following:
 - (a) The requisition submitted to the Civil Service Office shall indicate that skill based sub-classification recruitment is requested, identify a desired title for the sub-classification recruitment, state the current position duties, and identify desired minimum qualifications.
 - (b) A current Job Content Questionnaire (JCQ) shall be on file with the Civil Service Office for the position to be filled.
 - (3) The Civil Service Office will determine whether the JCQ supports the use of a skill based sub-classification recruitment and the Civil Service Office reserves the right to request an updated JCQ to ensure currency.
- c. Non-skill based sub-classification recruitment:

Non-skill based sub-classification recruitments may be conducted in order to publish unique characteristics of the position vacancy. Non-skill based sub-classification recruitments use the generic job classification duties and minimum qualifications, but include the unique characteristic of the vacancy in the job title and notes section of the recruitment bulletin. These characteristics may include any of the following: non-standard hours, reduced hours, limited duration, restricted, or location.

6.4 Evaluation of Applications; Preparation of Eligibility List:

- a. The Civil Service Board Director shall cause applications to be evaluated based on the eligibility criteria published in the corresponding recruitment bulletin. [CSL Section 7(2) (m)]
- b. The Civil Service Board Director shall cause to be evaluated all applications that have been received by the specified closing date and time published in the corresponding recruitment bulletin. Applicant qualifications shall be assessed by such competitive tests, inquiries, education, and examinations of training and experience as the Director of the Civil Service Board and the Appointing Authorities deem job-related and appropriate.
- c. No applicant shall regard the acceptance of an application or a determination that an applicant is qualified as an assurance of appointment.

6.5 Qualification Evaluations:

- a. The Civil Service Board Director shall determine the method of evaluating qualifications, including the development of performance tests and examinations, for the purpose of establishing initial employment and promotion eligibility lists for the various classifications in the classified service. [CSL Section 7(2)(m)]
- b. Entrance tests shall be public, competitive, and open to all persons who may be lawfully appointed and who possess the minimum qualification established for the classification being recruited.
- c. All tests shall be job related and consist only of subjects that will determine the ability of the applicant examined to perform the duties of the position to which the appointment is to be made. Tests may be written, oral, physical and/or an evaluation of the applicant's previous training, education, and experience. The schedule of subjects and weights for both entrance and promotional examinations shall be established by the Civil Service Board.
- d. Tests papers and detailed scoring results for candidates who do not achieve a passing score shall be open to inspection for a period of thirty (30) calendar days after completion of the examination.
 - (1) An error in the scoring of any test shall be corrected within thirty (30) calendar days of notification to the Civil Service Board. [CSL Section 8(1)]
 - (2) If the employee has satisfactorily completed a six-month probationary period, such correction shall not invalidate any appointment made as a result of the error. [CSL Section 8(1)]
- e. Except as provided for in CSR 5.6d(1)(a)2), an applicant who does not pass a written examination may re-take the examination two months after the first attempt and each subsequent attempt, provided such examination is offered. An applicant may retake performance tests, e.g., typing and data entry, a maximum of one time per day.

6.6 Veterans' Preference in Employment and Promotion:

- a. Applicants who are entitled to veterans' preference in initial employment shall be given special consideration in each step of the employment selection process. The Civil Service staff will identify these applicants to appointing authorities in a manner prescribed by the Civil Service Board. [FS 295.07]

6.6 (Continued)

- b.** A classified employee who has been reinstated following military service in the Armed Forces of the United States, other than for active duty for training, shall be awarded preference in promotion and shall be promoted ahead of all others who are as well or less qualified for the position. This applies only to the veteran's first promotional opportunity after reinstatement, without exception. Employees eligible for preference under this rule have the burden of identifying their eligibility status to the Civil Service Office at the time of their application for a promotional opportunity. [FS 295.09/295.155]

Appointments:

7.1 General:

a. Prohibition of Discrimination:

Discrimination against any person in recruitment, examination, appointment, training, promotion, demotion, retention, or any other personnel action, because of political or religious affiliations, or because of sex, color, age, marital status, disability, race, national origin, citizenship status or any other non-performance factor is prohibited. [CSL Section 2(3) and IRCA]

b. Employment of Relatives:

No appointment shall be made in violation of the State of Florida anti-nepotism law pertaining to the employment of relatives. [FS 112.3135]

c. Veterans' Preference in Appointment, Promotion, and Retention:

(1) Preference in initial appointment, promotion, and retention in positions of employment in the classified service of Hillsborough County shall be granted to all eligible persons who have achieved a minimum qualifying score, and who have submitted proper documentary proof of eligibility. [Chapter 295 Florida Statutes and Florida Administrative Code 55A-7]

(2) Promotion preference applies only to a veteran's first promotion after reinstatement or reemployment, without exception [FAC 55A-7]

d. Employment in More Than One Classified Position:

An employee may not hold more than one classified position at the same time, if the total regular working hours of the positions involved exceed forty (40) hours per week.

e. Classified Employees Engaged in Additional Employment:

Full-time classified employees are discouraged but not restricted from engaging in additional employment during their off duty hours. However, no employee may engage in outside employment which would conflict with hours of employment within the Hillsborough County Civil Service system or interfere in any way with the successful performance of official duties, or be in conflict with the interest of the County.

7.1 (Continued)**f. Classified Employees Holding Public Office:**

Classified employees may hold public office, whether elected or appointed, and whether compensated or uncompensated, provided the performance of their duties or exercise of their authority in the public shall not conflict with the performance of their duties in the classified service.

- (1) For the purpose of this rule, the performance of duties or exercise of authority in an elected office shall conflict with the performance of duties in the classified service if:
 - (a) there is a conflict between the hours of employment within the classified service and the hours of attendance or performance in the office which affects the employee's attendance in the classified employment;
 - (b) the performance of duties or exercise of authority in the office results in an inability to successfully perform, or a demonstrable diminution of the employee's performance, in the classified service;
 - (c) the office requires the employee to vote upon, implement, administer, or represent the electing constituency with respect to, matter which create or reasonably appear to create a conflict of interest between performance in the elected office and the classified service.
 - (d) the occurrence of any other event that creates a real or apparent conflict between performance in the elected office and the classified employment.
- (2) In the event that an Appointing Authority shall conclude that the employee's performance of duties or exercise of authority in the elected office conflicts with the performance of their duties in the classified service, he or she shall notify the employee of the reasons that a conflict exists and a proposed remedy to impose. In the event the employee has committed an act that the Appointing Authority concludes justifies discipline, it may be imposed in compliance with established procedures. In the event of an actual or apparent conflict of interest as provided in CSR 7.1f(1)(c) and (d) above, the appointing authority shall give consideration as to whether such conflict can reasonably be resolved by the abstention or recusal of the elected official with respect to the matters deemed to be conflicting.
- (3) In the event the employee holding the elected office disagrees with the determination of the Appointing Authority, the employee may initiate any of the following actions:
 - (a) a grievance pursuant to Civil Service Rule 14;
 - (b) an appeal of any discipline imposed pursuant to Civil Service Rule 11;

7.1 (Continued)

- (c) a grievance under any applicable collective bargaining agreement, if such agreement permits a grievance of this issue.

NOTE: Normally, an employee shall be required to elect between these action, however, if a grievance has been filed under CSR 14 and discipline is subsequently imposed, the employee shall file a appeal under CSR 11 which may be consolidated with the grievance.

- (4) This rule shall be interpreted consistent with general Florida law regulating the ethics of elected officials. The Board and appointing authorities shall give substantial weight to any determination of the Florida Ethics Commission.

7.2 Eligibility:

a. Certified Eligibility List:

- (1) An Appointing Authority shall fill a vacancy in a classified position by selection of any of the names certified by the Civil Service Board as being eligible for employment in the specific classification wherein the vacancy exists. When filling an authorized vacancy in the classified service, the Appointing Authority shall select eligibles from certified Civil Service eligibility lists in the following order:
 - (a) employees on a Closed Promotion Eligibility list [CSR 6.2a]
 - (b) applicants on an Open Recruitment Eligibility list. [CSR 6.2b]
- (2) Eligibility lists may be cancelled by an Appointing Authority upon written certification to the Civil Service Office that such list has failed to provide suitable candidates for the position to be filled. These certifications of cancellation must be signed by an Appointing Authority representative who has written authorization to do so. Futhermore, the Appointing Authority shall maintain all files relating to list cancellations, answer all inquires resulting from a list being cancelled, and make available for inspection the lists and reasons for cancellation. All cancellations must occur before the expiration date of the eligibility list.

7.2 (Continued)

b. Reinstatement of Employees Following Active Military Service:

Any classified employee who leaves the employment of Hillsborough County to serve in the uniformed services of the United States of America and is discharged or separated therefrom under honorable conditions, shall be reinstated in accordance with CSR 10.8.

c. Removal of Names from Certified Eligibility List:

- (1) The Civil Service Board may remove any person's name from the list of those certified as eligible on the basis of the following:
 - (a) appointment to a position from the certified eligibility list for which applied.
 - (b) separation from the classified service (Closed Promotion Lists only).
 - (c) upon receipt of a written request from the eligible applicant on the list.
 - (d) upon determination that the applicant does not meet the prerequisite qualifications established by the Civil Service Board for the classification for which certified.
 - (e) upon determination that the applicant has made a false statement of any fact or has attempted to deceive the County in an effort to gain appointment.
 - (f) upon determination that an eligible applicant has been convicted of or has entered a plea of guilty or nolo contendere to a felony or a misdemeanor having specific relevance to the classification for which applied.
 - (g) upon determination that the eligible applicant used bribery or political pressure to gain appointment.

7.3 Appointments:**a. Effective Date of Appointment and Termination of Appointment:**

- (1) Appointment in a position under any of the methods provided in these rules shall become effective as of the date the employee reports for duty. [CSL Section 9(2)].
- (2) Appointment in any classified position may be terminated at any time by the transfer, demotion, promotion, or dismissal of the incumbent.
- (3) Appointment in any temporary role may be terminated at any time by dismissal or cessation of hours worked for a continuous period of not less than 60 calendar days with the same agency or when no timely action is taken by an appointing authority prior to the expiration date of the temporary employment period (CSR 7.3j(1)(g)).

b. Acting Appointment:

- (1) A vacancy may be filled by the "acting" appointment of another classified employee under the following conditions:
 - (a) A current eligible list does not contain an appropriate candidate; or
 - (b) A new eligible list cannot be produced within a reasonable period of time; or
 - (c) The incumbent is on an approved absence; or
 - (d) The incumbent is on special assignment; or
 - (e) The incumbent is acting in another appointment.
- (2) The Appointing Authority must certify, in writing, that the employee meets the education and experience of the job, as published by the Civil Service Office, he or she will be "acting" in.
- (3) If the employee's pre-acting position is in a lower pay grade than the position the employee is acting in, the employee shall receive an increase in pay as provided for in CS Rule 8.2d.
- (4) If the employee's pre-acting position is an equal or higher pay grade than the position the employee is acting in, pay is not affected.

7.3 (Continued)

- (5) The acting appointment shall be for a period not to exceed 360 days, unless approval for an extension has been obtained from the Civil Service Board prior to that time. It is the responsibility of the Appointing Authority to initiate a timely request for any desired extension. The request must be submitted sufficiently in advance so that:
 - (a) The Civil Service staff shall determine the qualifications of the employee in the acting appointment; and,
 - (b) It may be considered by the Board at a regularly scheduled business meeting prior to the expiration of the 360th day.
- (6) An Appointing Authority may not end an employee's acting appointment and reappoint the employee in the same acting appointment within 30 calendar days.
- (7) At the end of an employee's acting assignment, the employee will be returned to his/her regular or pre-acting position. The employee shall be returned to the same salary as when he/she left, plus any pay adjustments the employee would have been eligible for had the employee never left his/her regular or pre-acting position.
- (8) Within the provisions of Civil Service Rule 7.3, an employee may be permanently appointed to a position the employee is currently filling in an acting status. The effect of such a placement will be determined by first applying the provisions of CS Rule 7.3.b(7) and then applying the appropriate provisions of Civil Service Rule 7.3. Notwithstanding this provision, a single action (for example promoted from acting) may be used to document an employee's permanent appointment to a position in which the employee is currently acting.

c. Demotion:

- (1) Upon one or more of the following conditions, any classified employee may be demoted, provided the employee meets the qualifications of the lower classification, and there is a vacant position in the lower classification.
 - (a) the employee renders less than successful performance, or
 - (b) the employee voluntarily and without coercion requests demotion, or
 - (c) the employee is no longer qualified under applicable standards or is no longer capable of performing the duties of the current classification, or

7.3 (Continued)

- (d) the reclassification of the incumbent's position (See CS Rule 5.6).
- (2) Demotion may be voluntary or involuntary. In either case, the employee shall normally be placed in the same relative position of the lower salary range as occupied in the higher range. If the demotion is to a classification previously occupied by the employee, the employee will be placed in the same relative position of the lower salary range as occupied in the higher range, or to the hourly rate previously held in the range, whichever is greater. Exceptions may be approved by the Civil Service Board based upon written justification by the Appointing Authority which supports all of the following:

 - (a) granting the exception would avoid a hardship on the employee;
 - (b) the employee has performed in a successful or higher manner;
 - (c) granting the exception would benefit the department or agency; and,
 - (d) granting the exception would be in the best interest of Hillsborough County.
- (3) In cases where the employee is seeking a voluntary demotion within his or her same career path (For example: From Clerk III to Clerk II) and the Civil Service Office is not actively recruiting for the lower classification, the Civil Service Office, with the concurrence of the Appointing Authority, will review the employee's qualifications; and, if qualified, certify them for appointment. Should the employee not have a current Application for Employment on file or is required to complete a written or performance examination for consideration of their qualifications, the employee shall be referred by his or her Appointing Authority to the Civil Service Office to complete such application or required testing before certification can occur.
- (4) Involuntary demotion may be either "without prejudice" or "for cause". The demotion, for example, is without prejudice if it is caused by factors outside the control of the employee such as personal health, discontinuance or reclassification of the position, rather than unsuccessful service. The demotion is for cause, if it is invoked as the result of misconduct by the employee, as a disciplinary measure, or is accepted to avoid other disciplinary measures. In cases where the Civil Service Office is not actively recruiting for the lower classification, the Civil Service Office will review the employee's qualifications; and, if certified as qualified, refer their name to the Appointing Authority for appointment. Should the employee not have a current Application for Employment on file or is required to complete a written or performance examination for consideration of their qualifications, the employee shall be referred by his or her Appointing Authority to the Civil Service Office to complete such application or required testing before certification can occur.

7.3 (Continued)**d. Initial Appointment:**

- (1) All initial appointments to positions in the Civil Service system and appointments of former employees following a break in service shall be made from those persons certified as eligible on a Civil Service Open Recruitment Eligibility list in accordance with Civil Service Rule 7.2
- (2) Except as provided in Civil Service Rule 8.2a(1), the entrance rate of pay to any person serving on initial appointment shall be the minimum rate of pay for the classification in which the employee was selected for appointment.
- (3) Initial Probation: All persons appointed to a position in the Civil Service system, or re-appointed to such a position following a break in service, shall be required to serve a period of initial probation. Initial probation is an integral part of the selection process and shall be used to closely observe and assess the employee's suitability for the position.
 - (a) Initial probation periods shall be either six months or one year in duration, as determined and announced by the Civil Service Board Director for each job classification.
 - (b) Employees must be evaluated by the Appointing Authority with an overall job performance rating of successful or better in order to successfully complete initial probation. The Appointing Authority shall provide the Civil Service Office with a performance report to that effect completed in accordance with the provisions of Rule 12.
 - (c) An employee who does not successfully complete initial probation shall be dismissed without appeal to the Civil Service Board. [CSL Section 10(1)]
 - (d) Upon completion of initial probation, employees shall be considered tenured and entitled to all rights and privileges of the Civil Service Law as a classified employee.
 - (e) Six month initial probation periods may be extended for an additional period of up to six months at the discretion of the Appointing Authority and only under one or the other of the following circumstances:

7.3 (Continued)

1. The probationary employee's job performance is evaluated by the Appointing Authority as less than successful and documentation of same shall be provided to the Civil Service Office along with a personnel action that extends initial probation. In such cases, the Performance Report shall be used as the official documentation of less than successful job performance and must be signed by the employee prior to the end of the original probationary period. **NOTE:** For the purpose of extending initial probation, a rating of less than successful in one or more dimensions may result in the overall performance rating being less than successful.
 2. The probationary employee lacks one or more certifications, licenses, and/or training requirements identified in the minimum qualifications for the classification to which the employee was appointed, but has otherwise performed the job at a successful or higher level. In such cases, documentation of the unattained qualification requirements and adequate job performance shall be provided to the Civil Service Office as comments attached to or part of the personnel action that extends initial probation. A completed Performance Report shall not be provided to the Civil Service Office in such cases.
- (f) The Appointing Authority may notify the Civil Service Office of successful completion of extended initial probation at any time following the extension. Such notification shall include a Performance Report with an overall rating of successful or better and, when applicable, certification by the Appointing Authority that the employee has obtained all certifications, licenses, and/or training requirements identified in the minimum qualifications for the classification that the employee lacked at the time of probation extension.
- (g) One year initial probation periods may not be extended. However, one year probation periods may be successfully completed sooner than one year, but no earlier than six months, upon notification of same to the Civil Service Office by the Appointing Authority. Such notification shall include a Performance Report with an overall rating of successful or better and, when applicable, certification by the Appointing Authority that the employee has obtained all certifications, licenses, and/or training requirements identified in the minimum qualifications for the classification that the employee lacked at the time of appointment.

7.3 (Continued)

- (h) Except for an employee who lacks certifications, licenses, and/or training requirements identified in the minimum qualifications of the job classification to which the employee was appointed, a probationary employee shall automatically become tenured upon the expiration of the initial probation period when no notice is provided by the Appointing Authority of successful completion of initial probation or no request is submitted for extension of initial probation.
- (i) No employee may be required to serve more than one year of initial probation, unless such employee changes positions during initial probation due to promotion, demotion or transfer. **NOTE:** Employees serving on initial probation and who are promoted, demoted or transferred (other than functional or position number change) to another position shall begin a new period of initial probation effective on the date of the position change.

e. Light Duty Assignment:

- (1) If any classified employee is unable to perform the essential functions of his or her regularly assigned duties because of a physical or mental impairment, the Appointing Authority may approve the assignment of such employee to responsibilities that could be performed within the employee's restrictions. Assignment to such duties shall be subject to the following:
 - (a) An opinion by the authorized treating physician is obtained which states that light duty work is recommended and identifies the employee's specific limitations.
 - (b) Suitable and productive light duty work must be available.
 - (c) Initial assignment to light duty shall not exceed 90 calendar days.
 - (d) Three extensions, each of no more than 30-day intervals, may be approved by the Appointing Authority. The Appointing Authority may authorize an employee to remain on light duty assignments beyond the 180 day time limit; however, such extension shall be granted only upon exceptional circumstances.
- (2) Employees performing light duty work shall receive their regular hourly rate for all hours worked. In no event shall the combined total of Short-Term Disability or Workers' Compensation benefits and the supplement of sick and vacation hours and paid wages for hours worked, exceed the salary of that employee at his or her regular rate of pay for a normal work week.

7.3 (Continued)

- (3) The Performance Review Date and Benefits Date are not changed as a result of an employee performing light duty work.
- (4) Any employee physically able, but unwilling to accept light duty assignments as offered by the Appointing Authority, shall forfeit the right to Worker's Compensation indemnity payments (2/3 of employee's salary). Florida Statute 440.15(6)

f. Limited Duration Appointment:

- (1) When it becomes necessary to fill a classified position that has been established under a grant agreement, or other specific funding source having distinct time or funding limitations, an Appointing Authority may make a Limited Duration Appointment. Such appointment must be made as generally provided in these rules.
 - (a) Persons holding a limited duration appointment shall be eligible for all rights afforded classified employees, except that their entitlement to the position shall be terminated upon the expiration of the funding source or grant agreement.
 - (b) Employees holding tenure status who are promoted into a limited duration position shall have return rights to their former position as prescribed in CS Rule 7.3g(4); at any time upon the decision of the Agency Head or their delegate; or upon termination of the limited duration appointment.
 - (c) Employees selected to a limited duration position that does not result in a promotion that is within his or her same agency shall have return rights to their former position at any time upon the decision of the Agency Head or their delegate; or upon termination of the limited duration appointment.
 - (d) Employees selected to a limited duration appointment that does not result in a promotion that is outside of his or her agency shall forfeit all return rights to their former position.
 - (e) Employees holding tenure status who are promoted to a limited duration position that is in a higher classification shall be subject to a period of conditional probation of not less than six months in duration, as provided for in CSR 7.3g.

7.3 (Continued)

- (f) Applicants or non-tenured employees selected to a limited duration position shall serve a period of initial probation of not less than six months in duration as provided for in CSR 7.3d(3). In cases where the employee transfers to a regularly established position during the initial probationary period (other than functional or position number change), he or she shall begin a new period of probation effective on the date of transfer.
- (g) The person appointed to a limited duration position shall be notified in writing at the time of appointment of the limitations of that appointment. Such notification shall be signed by the employee and forwarded to the Civil Service Office for inclusion in the employee's official personnel record.
- (h) If returned to his or her former position, the employee shall be returned to his or her same rate of pay prior to accepting the limited duration appointment plus any performance increases and pay adjustments that the employee would have received during the limited duration appointment. [CSR 8.2b(3)]

g. Promotion:

- (1) Any classified employee appointed to a vacant classified position having a higher degree of responsibility and pay grade shall be considered promoted. Accordingly, such employees must be selected from a Civil Service certified Open Recruitment Eligibility List or Closed Promotion Eligibility List in accordance with CS Rule 7.2.
- (2) Employees promoted shall receive an increase in salary as provided for in CS Rule 8.2a(2).
- (3) Any classified employee selected for promotion shall be subject to a period of conditional probation of not less than six months in duration. **NOTE:** Employees serving on initial probation and who are promoted shall begin a new period of initial probation effective on the date of the position change.
- (4) The six-month conditional probation period may be extended for an additional period of up to six months at the discretion of the Appointing Authority and only under one or the other of the following circumstances:
 - (a) The probationary employee's job performance is evaluated by the Appointing Authority as less than successful. In such cases, the

7.3 (Continued)

Performance Report, which shall be used as the official notification of extended probation, must have an overall performance rating of less than successful and must be signed by the employee prior to the end of the original probationary period. **NOTE:** For the purpose of extending conditional probation, a rating of less than successful in one or more dimensions may result in the overall performance rating being less than successful.

- (b) The probationary employee lacks one or more certifications, licenses, and/or training requirements identified in the minimum qualifications for classification to which the employee was appointed, but has otherwise performed the job at a successful or higher level. In such cases, documentation of the unattained qualification requirements and adequate job performance shall be provided to the Civil Service Office as comments attached to or part of the personnel action that extends probation prior to the end of the original probation period. A completed Performance Report shall not be provided to the Civil Service Office in such cases.
- (5) The Appointing Authority may notify the Civil Service Office of successful completion of extended conditional probation at any time following the extension. Such documentation shall include a personnel action and a Performance Report with an overall rating of successful or better and, when applicable, certification by the Appointing Authority that the employee has obtained all certifications, licenses, and/or training requirements identified in the minimum qualifications for the classification that the employee lacked at the time of probation extension.
- (6) Whenever a position in the classified service is filled by promotion of a tenured employee and that employee does not perform successfully, to include obtaining the required certification, licenses, and/or training, during the conditional probationary period, or with the concurrence of the Appointing Authority, voluntarily returns before completing probation in the higher classification, the employee shall be returned to their former classification based on the following order of succession:

 - (a) returned to his or her former classification in the hiring agency, unless such Agency Head can certify that the lower classification can not be reasonably utilized in that agency;
 - (b) returned to their former classification in the former agency.
- (7) The return of an employee to his or her former classification following unsuccessful performance during the probationary period is not considered a demotion. [CSL Section 10 (2)]

7.3 (Continued)

- (8) Upon return to the former classification the employee shall be placed in the same position of the salary range that was held had the employee not left, plus any pay adjustments that the employee would have received. A performance increase, if applicable, may be granted in accordance with Civil Service Rule 8.6g.
- (9) Unsuccessful completion of conditional probation following promotion does not affect an employee's earned tenured status as provided under Civil Service Law. [CSL Section 10 (1)]
- (10) Unsuccessful completion of such a probationary period that results in the employee being returned to their former classification is not appealable to the Civil Service Board. [CSL Section 10 (2)]

h. Restricted Appointment:

- (1) When the incumbent of a classified position is not available for duty because of an approved absence, that position may be filled by selection from a Closed Promotion or Open Recruitment Eligibility list, as provided for in CSR 7.2a(1).
 - (a) Persons holding a restricted appointment shall be eligible for all rights afforded classified employees, except that their entitlement to the position shall be terminated upon the return of the incumbent.
 - (b) Employees holding tenure status who are promoted into a restricted appointment position shall have return rights to their former position as prescribed in CS Rule 7.3g(4) (unsuccessful completion of probation); at any time upon the decision of the Agency Head or their delegate; or upon the return of the absent incumbent.
 - (c) Employees selected to a restricted appointment position that does not result in a promotion that is within his or her same agency shall have return rights to their former position at any time upon the decision of the Agency Head or their delegate; or upon the return of the incumbent.
 - (d) Employees selected to a restricted appointment position that does not result in a promotion that is outside of their agency shall forfeit all return rights to their former position.
 - (e) Employees holding tenure status who are promoted to a restricted appointment position that is in a higher classification shall be subject to a period of conditional probation of not less than six months in duration, as provided for in CSR 7.3g.

7.3 (Continued)

- (f) Applicants or non-tenured employees selected to a restricted appointment position shall serve a period of initial probation of not less than six months in duration, as provided for in CSR 7.3d(3). In cases where the absent incumbent returns, and the restricted employee transfers to another position during the initial probation period [other than functional or position number change], he or she shall begin a new period of probation, effective on the date of transfer.
- (g) The person appointed to a restricted position shall be notified in writing at the time of appointment of the limitations of that appointment. Such notification shall be signed by the employee and forwarded to the Civil Service Office for inclusion in the employee's official personnel record.
- (h) If returned to his or her former position, the employee shall be placed in the same position of the salary range had the employee not left, plus any performance increase [percentage] and pay adjustments that the employee would have received, at the percentage rates that were received during the restricted appointment [Reference CS Rule 8.2b(3)]

i. Substitute Employee:

- (1) Substitute employees may, for a period not to exceed 120 consecutive calendar days, substitute in one position for the classified employee who fills that position and who is on an approved leave of absence. [CSL Section 5 (28)/Section 9(4)]
 - (a) Substitute employees must meet the minimum qualifications for the classification of each position to which they are appointed, but need not be on a certified eligibility list.
 - (b) An Appointing Authority may appoint any person as a substitute employee without prior Civil Service Board approval.
 - (c) The Board must be notified of all substitute employee initial appointments, using the format currently approved by the Civil Service Director, within five (5) working days. The notice of appointment shall include a statement from the Appointing Authority concerning the qualifications of the substitute employee relative to the minimum qualifications of the position being filled, and the job code, pay grade, and rate of pay. The notice of appointment shall be accompanied by documentation of the appointee's prior education and experience. [CSL Section 5(30)/Section 9(3)]

7.3 (Continued)

- (d) No extension may be granted to substitute employees to remain employed in the same position for more than 120 consecutive calendar days.
 - (e) Substitute employees need not be terminated following the last day of work in each classified position. At the discretion of the Appointing Authority, substitute employees may remain on an "on call" roster indefinitely.
 - (f) The Board must be notified, using the format currently approved by the Civil Service Director, within five (5) working days of the date the substitute employee is formally separated.
 - (g) The time limitations herein for substitute employees apply to all work performed by the substitute employee in the same position during a continuous period of employment with an Appointing Authority regardless of any change in job classification, assignment, hours of work, or pay.
 - (h) A substitute employee may not be separated and rehired for the purpose of circumventing the time limitations herein.
 - (i) The Civil Service Office may periodically audit agency payroll records to ensure compliance with the time restrictions herein. [CSL Section 17]
- (2) Notwithstanding the provisions of Rule 7.3i(1), substitute employees are in the unclassified service and, therefore, are otherwise not subject to Civil Service Rules.

j. Temporary Employee:

- (1) Appointing Authorities may employ persons for a period of one-hundred twenty (120) calendar days to fulfill short-term needs. Such appointment may be on a full-time or part-time basis. [CSL Section 5(30)/Section 9(3)].
 - (a) Although persons so employed are in the unclassified service, they must meet the minimum qualifications for the classification of the position to which they are appointed, but need not be on a certified eligibility list. An Appointing Authority may make any temporary appointment without Civil Service Board approval. The Board must be notified within five (5) working days of such appointment. [CSL Section 5(30)/Section 9(3)].
 - (b) The appointment, rate of pay, and termination of a temporary employee shall be reported on CS Form 2 [Report of Appointment or Change of Status]. In addition, the Appointing Authority shall submit an employment qualification statement with its initial notice to the Board.

7.3 (Continued)

- (c) One extension of not more than 120 days may be granted by the Appointing Authority, by certification to the Civil Service Board that the extension is not an avoidance to properly fill a classified position. Notice of the extension and accompanying certification must be provided to and received by the Civil Service Office no later than the 120th day of employment.
- (d) The employment shall be terminated on the two-hundred fortieth (240) calendar day unless approval for a second extension has been obtained from the Civil Service Board prior to that time. It is the responsibility of the Appointing Authority to initiate a timely request for any desired extension of temporary employment. The request must be submitted sufficiently in advance of the expiration of the first extension that it may be considered by the Board at a regularly scheduled business meeting prior to the expiration. Such extension may be approved by the Civil Service Board based upon written justification by the Appointing Authority which supports all of the following:
 - 1) the circumstances creating the need for temporary appointment still exist;
 - 2) the temporary employee has performed in a successful or higher manner;
 - 3) additional recruitment to fill the position is unnecessary, impractical or inefficient; and
 - 4) approving the extension would be in the best interest of Hillsborough County. [CSL Section 5 (30)/Section 9 (3)].
- (e) The time limitations herein for temporary employees apply to all work performed by the temporary employee during a continuous period of employment with an Appointing Authority regardless of any change in job classification, assignment, hours of work, or pay.
- (f) Absent a showing of special circumstances, total continuous temporary employment, including all extensions, shall not exceed 360 calendar days.
- (g) A temporary employee will be considered to have ended a term of employment when any of the following occur:
 - 1) The Appointing Authority notifies the Board of the formal termination of the temporary employee.
 - 2) In the event that either a certification by an Appointing Authority in the case of the first extension or a request to the Board in the case of a second extension or a separation action in the case of reaching 360 continuous days of employment, is not provided to the Civil Service

7.3 (Continued)

Office on a timely basis, the temporary employee's employment automatically terminates after 120, 240, or 360 days, whichever is applicable. In the event the employee has performed work after the effective expiration of the employment, the employee shall be paid for time actually worked. The Board may grant exceptions to this automatic termination provision only upon an Appointing Authority's request showing that there exists an independent legal basis for continuing such employment.

- 3) A temporary employee works no hours for the employing Agency for a minimum of 60 consecutive calendar days.
 - (h) A temporary employee may not be separated and rehired for the purpose of circumventing the time limitations herein.
 - (i) The Civil Service Office may periodically audit appointing authority payroll records to ensure compliance with the time restrictions herein [CSL Section 17].
- (2) A classified employee may be hired as an unclassified temporary employee provided that:
 - (a) the temporary job does not interfere in any way with the classified position held, and
 - (b) no other suitable applicant for the temporary position can be identified after a reasonable recruitment effort and within any specified time limitations incident to accomplishing the work involved.

k. Transfer:

- (1) Any classified employee voluntarily seeking an in-class transfer from one Agency to another must establish eligibility status on a list of certified eligibles.
- (2) An Agency Head or a designated representative may transfer or reassign any classified employee within the jurisdiction of that appointing authority without the employee being on a list of certified eligibles.
- (3) An employee transferred in the same classification shall be transferred without change in salary or status.
- (4) Any classified employee seeking an other-class-transfer must establish eligibility status on a list of certified eligibles.

7.3 (Continued)

- (5) An employee transferred from one class to another in the same pay grade shall be transferred without change in salary or status.
- (6) A tenured employee transferred in the same classification, or from one classification to another in the same pay grade, shall not serve a period of conditional probation.

I. Unclassified to Classified Service:

- (1) The transfer of an employee from the unclassified to the classified service may be accomplished through the following methods:
 - (a) selection from an Open Recruitment Eligibility List, or;
 - (b) the reclassification of an occupied unclassified position into the classified service.
- (2) Unclassified employees voluntarily seeking a transfer into the classified service must establish eligibility on a certified Civil Service Open Recruitment Eligibility List for the specific classification which he or she seeks appointment.
- (3) When any occupied unclassified position is reclassified into the classified service, no vacancy shall be deemed to occur unless the incumbent is unable to establish eligibility for the new classification. An employee failing to establish eligibility by meeting the minimum qualifications, and successfully completing a Civil Service written examination or performance test, as may be required, shall be so notified by the Appointing Authority at the earliest practicable date in order to provide for alternative actions.
 - (a) The incumbent shall be allowed a period not to exceed three months for the purpose of either qualifying for employment in the new classification or seeking transfer to another position.
 - (b) If after a period of three months the incumbent has not established qualification for the new classification, and is ineligible for another vacant position in the Agency, or declines such a position, the incumbent shall be dismissed from employment under the provisions of Civil Service Rule 11.7.
 - (c) Exceptions to the above policies may be approved by the Civil Service Board upon the request of the Appointing Authority with sufficient justification to support exceptional findings.

7.3 (Continued)

- (4) The entrance rate payable to any unclassified employee on appointment in the classified service shall be subject to Civil Service Rule 8.2a(1) regarding initial appointments.
- (5) An employee who transfers from the unclassified service to the classified service, without a break in service, shall be credited by the receiving Appointing Authority with any unused annual or sick leave; and, shall be eligible for accrual of such leave based on the employee's established Benefits Date, which shall remain unchanged. No employee shall be paid for accrued leave when transferred.
- (6) The scheduling of annual leave for employees who transfer from the unclassified service to the classified service shall be the prerogative of the receiving Appointing Authority, as stipulated in CS Rule 10.5c [CSL Section 5(20)]
- (7) Unclassified employees who transfer to the classified service and have not previously completed a period of initial probation in the Civil Service system shall be subject to a period of probation, as required by Civil Service Rule 7.3d(3). The employee's Performance Review Date shall be established as the date that is six months from initial appointment. Subsequently, the Performance Review Date is adjusted according to the provisions outlined in Civil Service Rule 8.6a(1), unless delayed by disciplinary suspension, absence without pay, extension of probation, or military leave of absence other than for training.
- (8) Employees who transfer from the unclassified service to the classified service and have previously successfully completed a period of initial probation in the Civil Service system, shall not be required to serve a period of probation upon appointment from the unclassified service. The employee's Performance Review Date shall be established as the date that is one year from the date of appointment.
- (9) Any consideration for a performance increase for service during the employee's current rating period in the unclassified service shall be made prior to, or in conjunction with, the employee's appointment in the classified service.
- (10) Employees who transfer from the unclassified to the classified service, without a break in service, shall be eligible for payment of the annual lump sum incentive authorized in CS Rule 8.9. Eligibility for such payment shall be based on the employee's length of creditable service at the time of transfer. Employees will not be eligible to receive any retroactive payment(s) of such incentive authorized by CS Rule 8.9, but not received.

Compensation of Employees:

8.1 Compensation Plan:

The compensation plan for the positions in the County service shall consist of: the pay grade recommended by the Civil Service Board for each class of positions, and the Civil Service Board rules providing for application of the pay grades in fixing the rates of pay for individual employees, as attached hereto.

8.2 Interpretation and Effect of the Pay Grade Ranges:

The pay grade ranges in the compensation plan shall be interpreted and applied as follows:

- a. The entrance rate payable to any person on appointment to a position of any classification shall be the lowest, or minimum, rate in the pay grade for the classification, except that:

- (1) upon initial appointment in the Civil Service system and under the circumstances provided in CSR 8.2a(3), an entrance rate above the minimum may be paid at the levels indicated below and when approved by the following:

<u>CATEGORY OF EMPLOYEE</u>	<u>APPROVAL AUTHORITY</u>
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SALARIED OR HOURLY (Overtime Category Y or N):

Up to the Mid-Point of the Pay Range	Appointing Authority
Above the Mid-Point of the Pay Range	Civil Service Board

- (2) Employees promoted shall receive an increase in salary of 5% to 15%, or up to the mid-point of the pay range if the mid-point is greater than 15%. Salary increases above 5% shall be based on circumstances contained in Civil Service Rule 8.2a(3).

- (3) The offering of any salary upon initial appointment higher than the minimum of the pay range, or the granting of an increase upon promotion higher than 5% may be granted when such salary or increase is in the best interest of Hillsborough County and:

- (a) market conditions in the relevant job category justify offering an initial salary or promotion increase above the minimum to obtain the services of qualified personnel; or

8.2 (Continued)

- d. When a classified employee is officially appointed on Civil Service Form 2 to a position in a higher classification on an acting basis, that employee's salary shall be advanced five percent (5%) above his or her regular salary, or up to the minimum of the pay grade of the classification the employee is serving in acting status, whichever is higher. In no case shall the employee's salary exceed the maximum of the pay grade of the classification the employee is serving in acting status. Entitlement to the increased salary ends with completion of the acting assignment.
- e. Rates for reduced-hour employment shall be proportionate to the rates for full-time service. All employee benefits which are divisible are also earned in the ratio that the reduced-hour employment is to full-time.
- f. The rates of pay prescribed by these rules and the pay plan constitute the total monetary compensation for employment, educational incentives or proficiency payments as lawfully provided from other governmental sources; and, allowances for official expenses authorized or incurred as incidental to employment. Additionally, Appointing Authorities may authorize such incentives and fringe benefits as lawfully permitted, provided they are available to all similarly situated classified employees of that agency.
- g. As a matter of policy, total compensation paid from a combination of sources to an employee in a position should not exceed the amount payable at the rate prescribed in the application of these rules.
- h. No additional compensation shall be paid in lieu of annual leave, except upon application of the Agency Head, and approval of the Civil Service Board provided, however, compensatory leave may be granted as hereinafter provided. This section does not apply to payments made at time of separation.
- i. When regrading of a classification occurs, the salary of the incumbent in any position of that classification is changed to the same relative position within the new pay range as held in the old pay range, unless the Agency Head certifies that budgetary reasons preclude the increase in cost during the fiscal year in which the regrading occurs.

8.3 Special Forms of Compensation:**a. Stand-by Assignments:**

When it is in the best interest of the County, an Appointing Authority may require any classified employee of that agency to accept stand-by assignments which are not routinely scheduled as regular or overtime working hours.

- (1) Employees on stand-by assignment; i.e., required to maintain a state of readiness to work during other than regularly scheduled hours, may be compensated at the rate of one hour's salary at the employee's regular rate of

8.3 (Continued)

pay, for each eight-hour period of such availability. Fractional periods of stand-by duty shall be compensated proportionately. Any employee who performs work for the employer during the period of stand-by status (i.e. phone calls, paperwork etc.) shall be compensated for all such time actually worked.

- (a) This provision shall be equally applicable to employees equipped with electronic signaling devices ("beepers") and to those who are required to otherwise promptly receive messages during the stand-by period.
- (b) While the time spent on stand-by duty is not considered hours worked for overtime purposes, all compensation paid to an employee for stand-by duty shall be included in calculating that employee's regular rate of pay for overtime purposes for that workweek.
- (c) The provisions of this rule shall not apply to employees who are exempt salaried.
- (d) Eligibility for stand-by pay is not affected by a concurrent paid holiday.

b. Call-In from Stand-by Assignment:

If, while serving on stand-by status, an employee is required to physically report to a work site for the performance of a specific task, such employee shall be compensated on a portal-to-portal basis for all such time actually worked. A minimum of two hours compensation shall be paid to the employee each time that he or she is required to physically report to the work site during the period of stand-by status, except that total paid hours shall not exceed actual elapsed hours during the stand-by period.

- (1) All hours paid in accordance with this provision shall be included in the total hours worked when determining eligibility for payment of overtime at premium rates.
- (2) Compensation for this purpose is separate and distinct from that authorized in CSR 8.3a(1) for stand-by assignment. Compensation for stand-by assignment and call-in from stand-by assignment shall not be paid simultaneously for the same time period. Payment should be apportioned to make sure that the correct category of pay is assigned to those minutes/hours which describe one or the other work activity during those periods.

8.3 (Continued)**c. Emergency Call-In:**

An off-duty employee, not on stand-by status and not otherwise scheduled to work that day, who is required to physically report to work in an emergency situation shall be compensated on a portal-to-portal basis for all such time actually worked. A minimum of two hours compensation shall be paid to the employee each time that he or she is required to physically report to the worksite, or be compensated for the actual number of hours worked, if such time worked exceeds the two hour minimum. All hours paid shall be included in the total hours worked when determining eligibility for payment of overtime at premium rates.

d. Shift Differential:

Employees may be paid a shift differential in salary of 5% above his or her regular salary or an amount established by the Appointing Authority. Shift differential may be paid for all hours worked in a shift set at the employer's discretion, if at least 75% of that shift is within the hours of 4:00 p.m. to 7:00 a.m., or if at least 50% of that shift is within the hours of 11:00 p.m. to 7:00 a.m. To be eligible for shift differential payment an employee must be regularly scheduled and actually perform work during the time periods stated herein. Unless specifically authorized by the Appointing Authority, all employees who are FLSA exempt or those employees engaged in the classifications of fire protection and law enforcement are exempted from the provisions of this rule.

e. Gratuities:

Employees working as Snack Bar Attendants, Snack Bar Supervisors, Beverage Cart Attendants, and Golf Course Attendants within the Tampa Sports Authority, are authorized to accept all gratuities received in the performance of their official duties.

f. Deferred Compensation:

- (1) The Agency shall provide classified employees who, on or before February 2, 1997, elected to participate in Sick Leave Plan "B", as legal consideration for this change, contributed to a County Deferred Compensation Program an amount equal to one percent (1%) of the employee's wages received for working all regularly scheduled hours. This contribution shall be in addition to all other wages paid and will begin the month after the employee notifies the Agency that they have opened a deferred compensation account:
- (2) In addition to the required contribution in (1) above, the Agency may provide classified employees a contribution to a County Deferred Compensation program in an amount it deems appropriate.

8.4 Initial Adjustments to the Compensation Plan:

At the time of taking effect of any pay grade provided by the compensation plan or by an amendment of it, the board shall publish the policy by which rates of pay of employees shall be adjusted to the assigned pay grade.

8.5 Procedure in Fixing Rate of Compensation:

- a. No rate of pay of a classified employee shall become effective except on order of the Appointing Authority and written approval of the Board.
- b. Grades and rates of pay of employees in effect at the time of adoption of the Rules shall remain effective, until specifically reviewed and changed by the Board.

8.6 Determination of Performance Review Date and Benefits Date:

- a. The Performance Review Date is normally established as the date that is six months from original hire or promotion. Subsequently, the Performance Review Date is adjusted according to the provisions outlined in Civil Service Rule 8.6a (1) and (2), unless delayed by disciplinary suspension, absence without pay, extension of probation, or time spent on the Performance Improvement Program. The Performance Review Date and Benefits Date are not changed by an approved extraordinary performance increase in salary as provided for in CSR 8.2. Notwithstanding the foregoing language and with a finding of good cause, an Agency may propose and the Board may adopt for that Agency an alternative method of setting and adjusting performance review dates.

(1) For employees serving on Initial Probation, the Performance Review Date is adjusted to a date that is normally six months from the employee's successful completion of probation, and thereafter on an annual basis.

(2) For employees serving on Conditional Probation the Performance Review Date is adjusted to a date that is one year from the employee's successful completion of probation, and thereafter on an annual basis.

b. Adjustment of Benefits Date and Performance Review Date as a Result of Disciplinary Suspension:

In case of disciplinary absence (suspension), regardless of the number of days in non-pay status, the Performance Review Date and Benefits Date are adjusted by the length of the unpaid absence.

(1) Adjustments shall be made in eight-hour equivalents. For example, suspension from one 24-hour work shift becomes an adjustment of three calendar days in the Performance Review Date and Benefits Date.

8.6 (Continued)

- (2) Suspension for the number of working hours normally worked in a week shall cause an adjustment of the Performance Review Date and Benefits Date by one calendar week.

c. Adjustment of Benefits Date and Performance Review Date For Reasons Other Than Discipline:

- (1) The Benefits Date is not adjusted as a result of a Worker's Compensation leave of absence or an approved leave of absence for military duty, regardless of the length of that absence. Otherwise, the Benefits Date is changed only if the non-disciplinary absence without pay is for 30 or more days, including time granted and used through authorized Sick Leave Bank programs, the Short-Term Disability Program, or the Long-Term Disability Program. If the employee supplements Short-Term or Long-Term Disability with accumulated hours of annual or sick leave to prevent a loss of income, then the Benefits date is not adjusted until the employee stops supplementing for 30 or more consecutive days. It is then adjusted by the full number of consecutive days absent beginning from the day the employee stops supplementing.
- (2) Except as provided in Civil Service Rule 8.6c(3) below, the Performance Review Date is changed by any non-disciplinary absence without pay, including Worker's Compensation absences, absences using the Short-Term Disability Program or Long-Term Disability Program (even if the employee supplements), or time granted and used through authorized Sick Leave Bank programs of 30 or more consecutive calendar days, and is then adjusted by the full number of calendar days absent. If the employee is in a probationary status, such absence also extends that probation for a like period.
- (3) The Performance Review Date will not be adjusted as a result of an approved leave of absence for military duty, regardless of the length of such absence. However, if the employee is in a probationary status, military duty of less than 30 consecutive calendar days extends that probation for an equivalent period to resume upon the employee's return from military service. Probationary employees whose period of military service while on leave is 30 or more consecutive calendar days and the probationary period expires while on military service, shall be deemed to have completed probation. Upon successful completion of probation, all benefits to which the employee would normally be authorized, including performance increases, shall be granted effective the date the employee completes probation. [38 USC 4316(b)(1)(B)]

- d. In all cases, it is the responsibility of the Appointing Authority to assure that the Performance Review Date is properly adjusted by preparation and submission of a Report of Change of Status (CS Form 2).

8.6 (Continued)**e. Effect of Voluntary and Involuntary Demotions Without Prejudice:**

In the event of a voluntary or involuntary demotion without prejudice, the employee retains their most recently established Performance Review Date except that, employees who have not completed their initial probationary period shall have their Performance Review Date established at the successful completion of probation, normally six months from the effective date of demotion.

f. Effect of Disciplinary Demotions:

In the event of a disciplinary demotion, the employee's Performance Review Date will be established one year from the effective date of demotion.

g. Effect of Return to Former Classification:

When an employee is returned to his or her former classification or, with the concurrence of the Appointing Authority, voluntarily so returns before completing probation in the higher classification, the previously established Performance Review Date will be reinstated. If the reinstated Performance Review Date falls during the interval of the probationary period in the higher classification and the unsuccessful probationer would have been awarded a performance increase had he/she been serving in the lower classification at that time, he/she may be awarded the increase upon return to that classification. If the employee was on conditional probation in the former classification, then the employee must complete the previous conditional probation period upon returning to that classification. [CSL Section 5(19)/Section 10]

h. Effect of Performance Improvement Program:

No performance increase in salary shall be granted any employee who is enrolled in a program of special training or counseling in the Performance Improvement Program described in Rule 12.9. The Performance Review Date is always adjusted by the length of time on the Performance Improvement Program, but the Benefits Date is not changed.

i. Effect of Transfer Without Promotion or Demotion:

The transfer of an employee without promotion or demotion does not change the Performance Review Date already established, unless the employee has not completed initial probation or conditional probation. In these cases, the Performance Review Date will be established at the successful completion of probation, normally six months from the effective date of transfer.

8.7 Effective Date of Salary Changes:

- a. For Job performance reviews which document the completion of initial or conditional probation periods of exactly six months in duration, the effective date shall be the established performance review date. In no case shall the effective date of completion of probation be less than six months from the start of the probation.

(1) Salary regradings are effective on the date specified in official notification from the Civil Service Board.

8.7 (Continued)

- (2) Salary increases and decreases for promotions and demotions as a result of a reclassification action are effective on the date specified in official notification from the Civil Service Office.
- b. Except for job performance reviews which document the completion of initial or conditional probation periods of exactly six months in duration, the effective date for all employee changes that result from job performance reviews shall be the start of the pay period in which the established performance review date falls.

8.8 Overtime Employment, Standard Workweek, and Compensation:**a. General:**

(1) The Fair Labor Standards Act [FLSA] does not limit the number of hours that an employee may work, either daily or weekly. The act simply requires that compensation for overtime must be paid at a rate of not less than one and one-half times the FLSA-non-exempt employees' regular rate of pay for each hour worked in a workweek which exceeds the maximum hours applicable to the type of employment in which the employee is engaged.

(2) As an integral part of the overall compensation plan for classified employees of Hillsborough County, each job classification has been assigned an overtime code. The overtime code may be used by the Agency Head as a starting point in determining the appropriate overtime code for each position. Each position is unique and its specific duties and responsibilities determine the appropriate overtime category. It is the Agency Head's responsibility to properly determine and assign the appropriate overtime code as follows:

(a) "N" – non-exempt from the FLSA overtime provisions. Employee receives regular rate of pay for hours worked and 1 ½ times the regular rate of pay in excess of the normally established hours.

(b) "Y" – exempt from the FLSA overtime provisions. Employee receives a specified salary only, with no addition compensation for hours worked in excess of the normally scheduled hours.

b. Standard Workweek:

Except for employees engaged in fire protection, law enforcement and detention duties, the standard workweek for each FLSA non-exempt full-time employee is forty [40] hours during a seven day period. Employees engaged in fire protection detention, and law enforcement may have a greater number of regularly scheduled hours pursuant to U.S. C. 207 [k] and applicable collective bargaining agreements. Each Agency Head, or designated representative, shall maintain records of all time worked by his or her employees.

8.8 (Continued)**c. Authorization of Overtime:**

It shall be the general policy to minimize overtime. However, Agency Heads, or designated representatives, may authorize or direct an employee to work overtime in order to meet emergency situations or operating needs.

- (1) The opportunity for overtime work shall be offered to all employees.
- (2) Employees who refuse to perform directed overtime work may be subject to disciplinary action as provided in Civil Service Rule 11.

d. Compensation for Overtime Work:

- (1) Compensation for overtime work shall be made in accordance with the overtime code of the employee's position.
- (2) Compensatory leave is an authorized alternative to monetary payment for overtime. Conditions under which such leave may be granted are defined in Civil Service Rule 10.6.
- (3) For overtime compensation purposes, authorized holidays, vacation, and sick leave, may be considered as time actually worked. Other absences, including Administrative Leave, Bereavement Leave, Civic Leave, Military Leave, Newborn Leave, previously earned compensatory leave, and any other time not worked, shall be excluded from time worked in computing basic hours beyond which premium overtime rates are paid.[NOTE: For the purpose of this rule, vacation and sick leave may be counted as time worked at the end of the work week it is taken. Accordingly, the amount of vacation and sick leave charged may be adjusted to preclude the payment of overtime, provided the adjustment is made within the same work week as the overtime is performed.
- (4) Residence in or on County-owned property shall in no way change the overtime category or amount of overtime compensation otherwise granted any other employee.

8.9 Performance Incentives:

An annual lump sum performance incentive may be paid based upon an Agency's written policy describing the criteria for the incentive. Any such policy must comply with relevant laws, rules, and policies.

8.10 Exceptions to the Maximum of the Pay Ranges:

- a.** The maximum salary shall be established and used for each classification within a pay schedule. The pay schedule shall be used unless, in exceptional cases, the Board approves a salary exceeding the maximum of the pay range under the standards established in this rule in order to avoid a loss of pay for an employee.
- b.** Exceptions may be approved by the Civil Service Board based on written justification by the Appointing Authority which demonstrates the following:
 - (1)** granting the exception would avoid a hardship on the employee from a loss of pay; and
 - (2)** granting the exception would be in the best interest of Hillsborough County; and
 - (3)** one of the following applies:
 - (a)** the employee's pay grade is being or has been reduced by administrative action, including reclassification to a position with a lower pay grade, or regrading of a classification to a lower pay grade, or through reduction in force to a classification with a lower pay grade; or
 - (b)** the employee has been voluntarily demoted; or
 - (c)** the employee's position is being incorporated into the Civil Service system; or
 - (d)** retaining the prior salary is necessary to implement a court order, settlement or contract, or to avoid impairing a property interest.

Hours of Work and Attendance of Employees:**9.1 Hours of Duty:**

- a. The standard work week shall be comprised of 40 hours, except for those classifications in the fields of law enforcement, fire protection, and emergency medical service which normally have a greater number of regularly scheduled hours.
- b. The Appointing Authority of each agency shall prescribe the hours of duty during which attendance of employees in the organization shall be required with due regard to uniformity and equitability of treatment.
- c. When it becomes necessary to permanently change an employee's established working hours, the Appointing Authority shall provide the employee as much advanced notice as possible.
- d. Rest periods of reasonable duration, defined by the Appointing Authorities and provided in accordance with good work practice for each type of work, shall be regarded as included within the total required hours of work.

9.2 Holidays:

- a. Full-time classified employees on the payroll on January 1 of the year in which holidays are observed shall be granted ninety-six hours of paid holiday time annually. Classified (Reduced Hour) employees scheduled to work between 20 and 40 hours per week are granted holiday hours in the same proportion as their scheduled hours are to full time. Unless operating necessities demand otherwise, all Appointing Authorities will recognize those holidays designated by the Board of County Commissioners.
- b. Permanent employees are not expected to work on authorized holidays except for minimum staffing of essential operations or in declared emergencies.
 - (1) When the holiday is observed, the employee is paid at the regular rate of pay for an eight-hour day, provided the employee was in a paid status (e.g. working, on paid sick leave, annual leave, compensatory leave, or using Floating Holiday(s) on either the regularly scheduled work day preceding the holiday or immediately following the holiday.[CSL Section 7(2)(o)
 - (2) If the employee is required to work on the authorized holiday, another day may be substituted as a paid holiday by the Appointing Authority who shall reasonably consider the employee's preferences in that selection.

9.2 (Continued)

- (3) If another day is not substituted for a holiday worked, the employee will be paid at the regular rate for eight hours in addition to being paid for hours actually worked, or at the overtime rate appropriate for the class if the total hours paid for work, sick, vacation, and holiday time exceeds forty in the work week.
- c. Holiday pay is not authorized for temporary or part-time employees unless those employees are actually performing duty on any specified holiday.
- d. Floating holiday(s) may be authorized as paid holidays each calendar year by the Board of County Commissioners. Employees may select the specific date(s) on which they desire to observe the floating holiday(s) in accordance with the following criteria:

 - (1) Classified employees who were on the payroll on January 1 of the year in which a floating holiday is authorized shall be granted two (2) floating holidays which may be observed by the employee on any day during the calendar year with the approval of the Appointing Authority or their designated representative.
 - (2) Classified employees who were not on the payroll on January 1, but were on the payroll on July 1 of the year in which a floating holiday is authorized, shall be granted one (1) floating holiday which may be observed by the employee on any day during the remainder of the calendar year with the approval of the Appointing Authority or their designated representative.

Leaves of Absence:

Leaves of absence, as defined in this Chapter, are subject to the approval of the Appointing Authorities or their designated representatives. Based upon the needs of the Appointing Authority, leaves of absence shall be granted at the time desired by the employee.

10.1 Kinds of Leaves of Absence:

There are fourteen types of paid and unpaid leaves of absence. Such leaves of absence and related rules are as follows: [CSL Section 5(20)/Section 7 (2) (o)]

<u>TYPE</u>	<u>PAY STATUS</u>	<u>REFERENCE</u>
Administrative Leave	Paid	CSR 10.14
Annual Leave	Paid	CSR 10.5
Bereavement Leave	Paid	CSR 10.11
Civic Leave	Paid	CSR 10.7
Compensatory Leave	Paid	CSR 10.6
Emergency Leave	Paid	CSR 10.3h and CSR 10.4h
Family and Medical Leave Leave Without Pay - Other Cogent Reasons	Paid/Unpaid Unpaid	CSR 10.13 CSR 10.10
Medical Leave of Absence	Paid/Unpaid	CSR 10.3i and CSR 10.4i
Newborn Leave (Plan "B")	Paid	CSR 10-4j
Military Leave	Paid/Unpaid	CSR 10.8 & 9
Sick Leave (Plan A)	Paid	CSR 10.3
Sick Leave (Plan B)	Paid	CSR 10.4
Uni-Leave	Paid	CSR 10.12

10.2 Eligibility for Leaves of Absence:

- a. The maximum allowances specified for sick leave and annual leave are those for full-time, classified employees. Employees employed on a reduced-hour basis shall accrue sick leave and annual leave allowances based on the number of hours actually worked. Charges for authorized absences shall be made against these allowances in proportion to their actual days of duty. When reference is made in these Rules to a work day or work week, these terms shall be construed to mean eight hours or forty hours respectively. Charges of leave used shall be computed in hourly increments and so reflected in applicable records.
- b. No allowances for leave with pay shall be made for an employee holding a temporary appointment.

10.2 (Continued)

- c. An employee who is reinstated within one year following separation resulting from a Workers' Compensation job related injury shall be credited with sick leave accruals to which the employee was entitled on the date of separation and for which not otherwise compensated and shall have all creditable service before that date considered in determining the rates of sick leave accrual. An employee who is reinstated on return from authorized military leave shall receive full credit for the period of military service in determining the rates of leave accrual.
- d. Allowances for military leaves of absence for training shall be provided to any employee whose employment is regulated through the Civil Service system. [FS 115.07]
- e. No leave of absence with pay shall be granted in anticipation of future leave allowances.
- f. Any employee who is transferred from a permanent classified position to another such position without a break in service shall retain any unused sick leave or annual leave which has been accrued, and shall be eligible for accrual of such leave based on the hire date from which continuity of County Civil Service is computed. No employee shall be paid for accrued leave when transferred. Scheduling of annual leave for transferred employees remains the prerogative of the receiving Appointing Authority.
- g. The Appointing Authority, or their designated representative, may require an employee to exhaust all accrued sick and annual leave, as appropriate, prior to granting a leave of absence without pay.

10.3 Sick Leave - Plan "A": (Employees hired before the first day of the pay period which includes February 2, 1997, and Who Elected Not to Transfer to Plan "B")

a. General:

- (1) Sick leave allowances for all classified employees hired prior to the BEGIN DATE, as defined in CSR 10.4a(1), and who elected, in writing, not to transfer to Sick Leave Plan "B" effective on the BEGIN DATE, shall be computed each pay period by multiplying the paid hours in that pay period which do not exceed the total number of hours regularly scheduled by the Appointing Authority times a decimal factor of 0.0462. For example, an employee who is regularly scheduled to work and is paid for a standard 40 hour work week, or 2080 hours annually, would earn 96 hours (12 days) of sick leave each year.
- (2) Allowances accrued and not used may be accumulated without limit with respect to use, but shall not be paid or converted except as specifically provided in CS Rule 10.3f and 10.3g.

10.3 (Continued)

b. Authorized Use of Sick Leave Accruals:

- (1) Sick leave allowances accrued by an employee in accordance with this rule are intended for use in case of that employee's incapacitation caused by injury or illness which is not job-related, or for health maintenance appointments (other than Worker's Compensation) with dentists, physicians, or other professionals in the field of mental or physical health.
- (2) Accumulated sick leave allowances may also be used in the same manner as above by the employee for the employee's spouse, child, as defined by Wage and Hour Division, U.S. Department of Labor (including where the employee has a relationship of in loco parentis), parent, or parent-in-law (includes not only the biological parent, but any individual who acted as a parent of the employee or spouse when the employee or spouse was young). Sick leave allowances may also be used for the same purposes as stated above for any relative residing in the employee's household.
- (3) Accumulated sick leave allowances may also be used by the employee for:
 - (a) the birth of a son or daughter of the employee.
 - (b) the placement of a son or daughter with the employee for adoption or foster care.

NOTE: Sick leave taken for the birth or adoption of a son or daughter must be completed within twelve months of such birth or adoption. This rule may not reflect the employee's entitlements under the Family and Medical Leave Act (FMLA).

- (4) Sick leave may be used otherwise only to the extent provided hereinafter to supplement allowances paid for job-related incapacitation, donations to authorized Sick Leave Banks, upon entering the Long-Term Disability Program and, in certain emergencies as provided for in CS Rule 10.3h.

c. Notification Requirement of Absences:

In every case of absence resulting from sickness or injury, the employee shall notify the immediate supervisor promptly, normally prior to his or her regular scheduled reporting time, stating the nature of illness or injury. Failure to comply with this provision may be grounds for denial by the Appointing Authority of sick leave with pay.

10.3 (Continued)**d. Statement From Attending Medical Physician:**

A statement from the attending physician must be presented upon return to work in cases required by the Appointing Authority. Should it be discovered that an employee is taking sick leave under false pretenses, it shall be deemed grounds for disciplinary action, up to and including dismissal.

e. Supplement of Worker's Compensation Benefits:

An employee incapacitated by a job-related injury or illness as defined by the Worker's Compensation Act is entitled to the benefits provided by that Act. At the request of the incapacitated employee, the Agency Head shall allow the incapacitated employee to use accumulated hours of annual or sick leave to supplement Worker's Compensation benefits to prevent a loss of income. Nothing in this section shall be construed as preventing the Agency Head from establishing any other form of disability or wage continuation plan to supplement such Worker's Compensation benefits. The combined total of Worker's Compensation benefits and payment under any plan of compensation shall not exceed the salary of that employee at the regular rate for a normal week.

f. Compensation for Unused Sick Leave Accruals:

Upon the conditions of death or retirement (Immediate or Deferred) under a recognized retirement system, an employee, or in case of death, the employee's designated beneficiary, or in the absence of a designated beneficiary, the employee's survivor, as defined in Chapter 121.091(8), Florida Statutes, shall be paid for unused sick leave according to the following:

- (1) employees who are dismissed for cause, other than for mental or physical impairment, shall not be paid for unused sick leave hours.
- (2) employees shall provide proper notice of their intention to retire in order to be eligible for payment of unused sick leave hours. Proper notice shall normally be considered to be at least two weeks.
- (3) employees who are laid off and who are otherwise eligible for retirement may at any time during the initial year of layoff give written notice of their intention to take retirement and receive payment for unused sick leave hours, as provided for in CSR 10.3f(4) below.
- (4) unused sick leave hours of employees who retire or die prior to retirement, shall be paid based on the following:

10.3 (Continued)

- (a) up to 480 hours of unused sick leave shall be paid at 100% of the employee's regular hourly rate of pay being earned at the time of separation.
 - (b) unused sick leave hours above 480 hours and up to and including 960 hours shall not be paid.
 - (c) one half of all unused sick leave that exceeds 960 hours shall be paid at 100% of the employee's regular hourly rate of pay being earned at the time of separation.
- (5) payment of unused sick leave hours for those employees who die during their employment with Hillsborough County shall be according to one of the following:
 - (a) the employee's designated beneficiary as identified on CS Form 4 (Designation of Beneficiaries to Receive Unused Leave Accruals and Adjusted Unpaid Earned Wages).
 - (b) in the absence of a designated beneficiary, the employee's survivor, as defined in Florida Statute 121.091(8) as follows: (spouse, living children (equally), parents (equally), or the legal representative of the employee's estate.
- (6) Employees who enter the Deferred Retirement Option Program (DROP) shall not be eligible for the payment of their unused sick leave accruals until he or she leaves the employment of Hillsborough County.

g. Attendance Award Program:

The Attendance Award Program permits classified employees to convert a portion of unused sick leave to annual leave under circumstances specified in this rule.

- (1) The Appointing Authority may elect to adhere to a calendar year, fiscal year, or year based upon the individual employee's Benefits Date, provided all classified employees of that authority are allowed to request conversion based upon equivalent twelve-month periods.
- (2) Maximum conversion shall be one-third of the number of hours of sick leave accrued annually under these Rules; e.g., 32 hours annual conversion for employees regularly scheduled to work 40 hours per week, or 44.8 hours annual conversion for a regular schedule of 56 hours per week. For reduced-hour classified employees, that maximum shall be in the ratio that the employee's regularly scheduled hours are to full-time of 40 hours per week.

10.3 (Continued)

- (3) Except donations to authorized Sick Leave Banks, all other sick leave used for personal or family use during the year shall reduce the number of convertible hours. As examples only:

40-hour per week employees

<u>Sick Leave Used</u>	<u>Convertible Hours</u>
0	32
8	24
16	16
24	8
32	0

56-hour per week employees

<u>Sick Leave Used</u>	<u>Convertible Hours</u>
0	44.8
8	36.8
24	20.8
30.5	14.3
44.8	0

NOTE: Sick leave usage may include any number of hours or hourly increments and reduce convertible hours accordingly.

- (4) Conversion of the difference between the number of hours sick leave used during the year and the maximum convertible hours during that year shall normally be automatic, except that provisions shall be made by Appointing Authorities to allow individuals who do not desire conversion to continue the unused sick leave in the sick leave account.
- (5) No conversions shall be made for leave-usage experience during a period of less than twelve months except upon transfer of an individual from the jurisdiction of one Appointing Authority to another where a different annual cycle is in use. In such a circumstance, the losing authority may consider conversion based upon experience from the last preceding conversion date to the date of transfer, and the gaining authority may grant conversion at the next regular conversion date even though that date is less than twelve months after the transfer.

h. Emergency Leave:

In each event of a personal or family emergency that involves an individual for which the use of sick leave is not permitted under CSR 10.3b, paid absence of not more than 25% (3 days) of an employee's annual sick leave accrual may be permitted by the appointing authority, provided:

10.3 (Continued)

- (1) the paid absence will be considered as use of sick leave and deducted from hours accrued according to CSR 10.3a prior to conversion computation as provided in CSR 10.3g above,
- (2) the emergency circumstances are of a nature which precludes being reasonably foreseen and of such urgency as to require the employee's immediate presence away from the work location during normal working hours,
- (3) the employee obtains at least oral permission for the absence at the earliest practicable time consistent with the nature of the emergency, and
- (4) the employee presents such evidence of the compelling nature of the circumstances as the Appointing Authority deems necessary to justify the granting of emergency leave prior to payment for the hours of absence.

i. Medical Leaves of Absence Without Pay:

- (1) In the case of extended sickness or injury, the Appointing Authority may place an employee on a leave of absence, without pay, and such employee shall retain all of the rights which were held at the initiation of that absence. Requests by the employee for such absences must be accompanied by a medical statement, certified by a recognized practicing physician, which attests to the sickness or injury and the necessity for the employee to be on extended leave of absence. Medical documentation shall be maintained by the Appointing Authority. Such absences shall be for a period not to exceed twelve months unless further extended with the approval of the Civil Service Board. The placement of an employee on a medical leave of absence without pay, and any extension thereto, may be approved based upon written justification by the Appointing Authority which supports all of the following:
 - (a) the circumstances creating the need for the leave of absence still exists;
 - (b) approving the extension would benefit the department or agency;
 - (c) denying the extension would create a personal hardship on the employee;
 - (d) the employee's overall performance warrants such action;
 - (e) approving the extension would be in the best interest of Hillsborough County.

10.3 (Continued)

- (2) Appointing Authorities may, but are not required to, pay the employee's cost of health insurance premiums during an approved medical leave of absence, if all accumulated sick leave and annual leave are exhausted by the employee.
- (3) Appointing Authorities may require employees to maintain regular contact with the Appointing Authority, or their designated representative, consistent with the employee's medical condition and may require the employee to provide additional medical documentation of his or her status as is required to evaluate the employee's continued need for currently approved leave or future leave.
- (4) An employee who does not return to work after the completion of an approved leave of absence and any extension thereof, or who does not maintain contact with the Appointing Authority as required, or who fails to provide medical certification as required by the Appointing Authority, shall be deemed absent without leave.
- (5) Normally, medical leaves of absence, including all extensions, shall not exceed 36 months.

j. Long-Term Disability Program:

The Agency shall provide all classified employees enrolled in this sick leave plan a Long-Term Disability Program, providing for payment of 50% of the employee's salary at no cost to the employee. At the request of the incapacitated employee, the Agency Head, or their designated representative, shall, unless prohibited by contract with the Long-Term Disability provider, allow the incapacitated employee to use accumulated hours of annual or sick leave to supplement Long-Term Disability benefits to prevent a loss of income. The combined total of Long-Term Disability benefits and the supplement of sick and annual leave hours shall not exceed the salary of that employee at his or her regular rate of pay for a normal work week.

- 10.4 Sick Leave Plan "B":** (Employees hired on or after the first day of the pay period which includes February 2, 1997, and employees who were hired before the first day of the pay period which includes February 2, 1997, who elected to transfer to Sick Leave Plan "B")

10.4 (Continued)**a. General:**

- (1) The beginning date for Sick Leave Plan "B" shall be the first day of the pay period which includes February 2, 1997, and shall be referred to in these rules as the "BEGIN DATE".
- (2) Sick leave allowances for all classified employees hired on or after the BEGIN DATE and those employees hired before the BEGIN DATE who elected, in writing, to transfer to Sick Leave Plan "B" shall be computed each pay period by multiplying the paid hours in that period which do not exceed the total number of hours regularly scheduled by the Appointing Authority times a decimal factor of 0.0308. For example, an employee who is regularly scheduled to work and is paid for a standard 40 hour work week, or 2080 hours annually, would earn 64 hours (8 days) of sick leave each year.
- (3) Sick leave accrued and not used may be accumulated without limit with respect to use, but shall not be paid or converted except as specifically provided for in CS Rule 10.4f and CS Rule 10.4g.
- (4) Sick leave earned prior to the BEGIN DATE (prior allowances) shall be accounted for separately from those allowances earned on or after the BEGIN DATE. Allowances earned on or after the BEGIN DATE shall be expended in total before prior allowances are expended. Prior allowances used may not subsequently be replaced. For example, an employee who had an unused sick leave balance of 500 hours on the BEGIN DATE and subsequently used 100 hours of that set aside balance, shall not be allowed to restore sick leave above the remaining 400 hours.

b. Authorized Use of Sick Leave Accruals:

- (1) Sick leave allowances accrued by an employee in accordance with this rule are intended for use in case of that employee's incapacitation caused by injury or illness which is not job-related, or for health maintenance appointments (other than Worker's Compensation) with dentists, physicians, or other professionals in the field of mental or physical health.
- (2) Accumulated sick leave allowances may also be used in the same manner as above by the employee for the employee's spouse, child, as defined by Wage and Hour Division, U.S. Department of Labor (including where the employee has a relationship of in loco parentis), parent, or parent-in-law (includes not only the biological parent, but any individual who acted as a parent of the employee or spouse when the employee or spouse was young). Sick leave allowances may also be used for the same purposes as stated above for any relative residing in the employee's household.

10.4 (Continued)

- (3) Accumulated sick leave allowances may also be used by the employee for:
 - (a) the birth of a son or daughter of the employee.
 - (b) the placement of a son or daughter with the employee for adoption or foster care.

NOTE: Sick leave taken for the birth or adoption of a son or daughter must be completed within twelve months of such birth or adoption. This rule may not reflect the employee's entitlements under the Family Medical Leave Act (FMLA).

- (4) Sick leave may be used otherwise only to the extent provided hereinafter to supplement allowances paid for job-related incapacitation, upon entering the Short-Term Disability Program or Long-Term Disability Program and, in certain emergencies as provided for in CS Rule 10.4h.

c. Notification Requirement of Absences:

In every case of absence resulting from sickness or injury, the employee shall notify the immediate supervisor promptly, normally prior to his or her regular scheduled reporting time, stating the nature of illness or injury. Failure to comply with this provision may be grounds for denial by the Appointing Authority of sick leave with pay.

d. Statement From Attending Medical Physician:

A statement from the attending physician must be presented upon return to work in cases required by the Appointing Authority. Should it be discovered that an employee is taking sick leave under false pretenses, it shall be deemed grounds for disciplinary action, up to and including dismissal.

e. Supplement of Worker's Compensation Benefits:

An employee incapacitated by a job-related injury or illness as defined by the Worker's Compensation Act is entitled to the benefits provided by that Act. At the request of the incapacitated employee, the Agency Head shall allow the incapacitated employee to use accumulated hours of annual or sick leave to supplement Worker's Compensation benefits to prevent a loss of income. Nothing in this section shall be construed as preventing the Agency Head from establishing any other form of disability or wage continuation plan to supplement such Worker's Compensation benefits. The combined total of Worker's Compensation benefits and payment under any plan of compensation shall not exceed the salary of that employee at the regular rate for a normal week.

10.4 (Continued)**f. Compensation for Unused Sick Leave Accruals:**

Upon the conditions of death or retirement (Immediate or Deferred) under a recognized retirement system, an employee, or in case of death, the employee's designated beneficiary, or in the absence of a designated beneficiary, the employee's survivor, as defined in Chapter 121.091(8), Florida Statutes, shall be paid for unused sick leave earned prior to the BEGIN DATE, according to the following:

- (1) employees who are dismissed for cause, other than for mental or physical impairment, shall not be paid for unused sick leave hours.
- (2) employees shall provide proper notice of their intention to retire in order to be eligible for payment of unused sick leave hours. Proper notice shall normally be considered to be at least two weeks.
- (3) employees who are laid off and who are otherwise eligible for retirement may at any time during the initial year of layoff give written notice of their intention to take retirement and receive payment for unused sick leave hours, as provided for in CSR 10.4f(4) below.
- (4) unused sick leave hours of employees who retire or die prior to retirement, which were earned prior to the BEGIN DATE and not used, shall be paid based on the following:
 - (a) up to 480 hours of unused sick leave shall be paid at 100% of the employee's regular hourly rate of pay being earned at the time of separation.
 - (b) unused sick leave hours above 480 hours and up to and including 960 hours shall not be paid.
 - (c) one half of all unused sick leave that exceeds 960 hours shall be paid at 100% of the employee's regular hourly rate of pay being earned at the time of separation.
- (5) Unused sick leave accrued on or after the BEGIN DATE shall not be eligible for payment.
- (6) Pay of unused sick leave hours for those employees who die during their employment with Hillsborough County shall be according to one of the following:
 - (a) the employee's designated beneficiary as identified on CS Form 4 (Designation of Beneficiaries to Receive Unused Leave Accruals and Adjusted Unpaid Earned Wages).

10.4 (Continued)

- (b) in the absence of a designated beneficiary, the employee's survivor, as defined in Florida Statute 121.091(8) as follows: (spouse, living children (equally), parents (equally), or the legal representative of the employee's estate).
- (7) Employees who enter the Deferred Retirement Option Program (DROP) shall not be eligible for the payment of their unused sick leave accruals until he or she leaves the employment of Hillsborough County.

g. Attendance Award Program:

The Attendance Award Program permits classified employees to convert a portion of unused sick leave to annual leave under circumstances specified in this rule.

- (1) The Appointing Authority may elect to adhere to a calendar year, fiscal year, or year based upon the individual employee's Benefits Date, provided all classified employees of that authority are allowed to request conversion based upon equivalent twelve-month periods.
- (2) Maximum conversion shall be one-half of the number of hours of sick leave accrued annually under these Rules; e.g., 32 hours annual conversion for employees regularly scheduled to work 40 hours per week, or 44.8 hours annual conversion for a regular schedule of 56 hours per week. For reduced-hour classified employees, that maximum shall be in the ratio that the employee's regularly scheduled hours are to full-time of 40 hours per week.
- (3) Except for donations to authorized Sick Leave Banks, all other sick leave used for personal or family use during the year shall reduce the number of convertible hours. As examples only:

<u>40-hour per week employees</u>	
<u>Sick Leave Used</u>	<u>Convertible Hours</u>
0	32
8	24
16	16
24	8
32	0

10.4 (Continued)

<u>56-hour per week employees</u>	
<u>Sick Leave Used</u>	<u>Convertible Hours</u>
0	44.8
8	36.8
24	20.8
30.5	14.3
44.8	0

NOTE: Sick leave usage may include any number of hours or hourly increments and reduce convertible hours accordingly.

- (4) Conversion of the difference between the number of hours sick leave used during the year and the maximum convertible hours during that year shall normally be automatic, except that provisions shall be made by Appointing Authorities to allow individuals who do not desire conversion to continue the unused sick leave in the sick leave account.
- (5) No conversions shall be made for leave-usage experience during a period of less than twelve months except upon transfer of an individual from the jurisdiction of one Appointing Authority to another where a different annual cycle is in use. In such a circumstance, the losing authority may consider conversion based upon experience from the last preceding conversion date to the date of transfer, and the gaining authority may grant conversion at the next regular conversion date even though that date is less than twelve months after the transfer.

h. Emergency Leave:

In each event of a personal or family emergency that involves an individual for which the use of sick leave is not permitted under CSR 10.4b, paid absence of not more than 25% (2 days) of an employee's annual sick leave accrual may be permitted by the appointing authority, provided:

- (1) the paid absence will be considered as use of sick leave and deducted from hours accrued according to CSR 10.4a prior to conversion computation as provided in CSR 10.4g;
- (2) the emergency circumstances are of a nature which precludes being reasonably foreseen and of such urgency as to require the employee's immediate presence away from the work location during normal working hours;
- (3) the employee obtains at least oral permission for the absence at the earliest practicable time consistent with the nature of the emergency, and

10.4 (Continued)

- (4) The employee presents such evidence of the compelling nature of the circumstances as the Appointing Authority deems necessary to justify the granting of emergency leave prior to payment for the hours of absence.

i. Medical Leaves of Absence Without Pay:

- (1) In the case of extended sickness or injury, the Appointing Authority may place an employee on a leave of absence, without pay, and such employee shall retain all of the rights which were held at the initiation of that absence. Requests for such absences by the employee must be accompanied by a medical statement, certified by a recognized practicing physician, which attests to the sickness or injury and the necessity for the employee to be on extended leave of absence. Medical documentation shall be maintained by the Appointing Authority. Such absences shall be for a period not to exceed twelve months unless further extended with the approval of the Civil Service Board. The placement of an employee on a medical leave of absence without pay, and any extension thereto, may be approved based upon written justification by the Appointing Authority which supports all of the following:
 - (a) the circumstances creating the need for the leave of absence still exists;
 - (b) approving the extension would benefit the department or agency;
 - (c) denying the extension would create a personal hardship on the employee;
 - (d) the employee's overall performance warrants such action;
 - (e) approving the extension would be in the best interest of Hillsborough County.
- (2) Appointing Authorities may, but are not required to, pay the employee's cost of health insurance premiums during an approved medical leave of absence, if all accumulated sick leave and annual leave are exhausted by the employee.
- (3) Appointing Authorities may require employees to maintain regular contact with the Appointing Authority, or their designated representative, consistent with the employee's medical condition and may require the employee to provide additional medical documentation of his or her status as is required to evaluate the employee's continued need for currently approved leave or future leave.

10.4 (Continued)

- (4) An employee who does not return to work after the completion of an approved leave of absence and any extension thereof, or who does not maintain contact with the Appointing Authority as required, or who fails to provide medical certification as required by the Appointing Authority, shall be deemed absent without leave.
- (5) Normally, medical leaves of absence, including all extensions, shall not exceed 36 months.

j. Newborn Leave:

- (1) Upon written request, the Appointing Authority, or their designated representative, shall grant any classified employee forty hours of absence with pay under the following circumstances:
 - (a) the birth of the employee's child, or
 - (b) the employee's adoption of a child under the age of eighteen (18).
 - (c) the placement of a child with the employee when the relationship will be that of in loco parentis.
- (2) The Appointing Authority, or his or her designated representative, shall take whatever measures are necessary to verify the eligibility of the employee for leave with pay under the provisions of this rule. Such leave shall be granted and used during the first thirty (30) calendar days following the birth or adoption of the employee's child unless delayed due to medical complications or other extenuating circumstances, as determined by the Appointing Authority.
- (3) Except as provided in CSR 104j(2) above, newborn leave is of a special nature and shall not be deferred beyond the first thirty (30) calendar days following the birth or adoption of the employee's child. Such leave is not charged against any other leave account, and is not accumulated in the manner of sick or annual leave. The frequency with which it is granted shall be governed only by necessity.

k. Short-Term Disability Program:

The Agency, with the exception of those with an adopted Uni-Leave Plan, shall provide all classified employees enrolled in this sick leave plan, a program of Short-Term Disability at no cost to the employee. At the request of the incapacitated employee, the Agency Head, or their designated representative, shall allow the incapacitated employee to use accumulated hours of annual or sick leave to

10.4 (Continued)

supplement Short-Term Disability benefits to prevent a loss of income. The combined total of Short-Term Disability benefits and the supplement of sick and annual leave hours shall not exceed the salary of that employee at his or her regular rate of pay for a normal work week.

i. Long-Term Disability Program:

The Agency, with the exception of those with an adopted Uni-Leave Plan, shall provide all classified employees enrolled in this sick leave plan a Long-Term Disability Program, providing for payment of 66 2/3% of the employee's salary at no cost to the employee. At the request of the incapacitated employee, the Agency Head, or their designated representative, shall, unless prohibited by contract with the Long-Term Disability provider, allow the incapacitated employee to use accumulated hours of annual or sick leave to supplement Long-Term Disability benefits to prevent a loss of income. The combined total of Long-Term Disability benefits and the supplement of sick and annual leave hours shall not exceed the salary of that employee at his or her regular rate of pay for a normal work week.

10.5 Annual Leave:

- a. Annual leave allowances of 80 to 160 hours are provided according to the length of continuous classified service completed in the Hillsborough County Civil Service system by the employee, except that, allowances shall be proportionately larger for those employees whose payroll schedule is regularly based on a 42 or 54 hour work week. Accumulation shall be computed each pay period by multiplying the paid hours in that pay period which do not exceed the total number of hours regularly scheduled by that Appointing Authority times a decimal factor as follows: (Illustrations are based on a regularly scheduled 40 hour work week)
- (1) for less than five full years of continuous classified service, paid hours shall be multiplied by 0.0385 (80 hours or 10 days);
 - (2) for more than five years, but less than ten full years of continuous classified service, paid hours shall be multiplied by 0.0462 (96 hours or 12 days);
 - (3) for more than ten years, but less than fifteen full years of continuous classified service, paid hours shall be multiplied by 0.0577 (120 hours or 15 days);
 - (4) for fifteen or more years of continuous classified service, paid hours shall be multiplied by 0.0769 (160 hours or 20 days).

10.5 (Continued)**b. Annual Leave During Initial Probation:**

No employee shall ordinarily be considered eligible for annual leave with pay until he or she has successfully completed initial probation in the Civil Service system and obtained the rights of a tenured employee. Exceptions may be granted by the Appointing Authority based on written justification by the employee which supports all of the following:

- (1) denying the leave would create a personal or financial hardship on the employee;
- (2) approving the leave would not adversely impact the operation of the department or agency;
- (3) accrued annual leave is available;
- (4) approving the leave would be in the best interest of Hillsborough County.

c. Approval of Annual Leave Request by Appointing Authority:

All annual leave requests, and changes thereto, must be approved by the Appointing Authority or their designated representative. The amount of advance notification employees must provide to their department or agency shall be determined by the Appointing Authority. In scheduling and granting annual leave, the Appointing Authority shall give due consideration to work requirements of the department or agency, the wishes of the employee, and the potential for loss of annual leave to the employee, as stipulated in CS Rule 10.5d below.

d. Maximum Accrual and Use of Annual Leave:

- (1) Except as provided in CSR 10.5d(5), beginning on the employee's Benefits Date in calendar year 1997, or the employee's hire date, if hired on or after the BEGIN DATE, as defined in CS Rule 10.4a(1), all tenured employees, except those employees whose payroll schedule is regularly based on a 42 or 54 hour work week, shall be required to use a minimum of 40 hours of annual leave each benefits year. Employees whose payroll schedule is regularly based on 42 hours per week shall be required to use a minimum of 42 hours of annual leave each benefits year; and, employees whose payroll schedule is regularly based on 54 hours per week shall be required to use a minimum of 54 hours of annual leave each benefits year. On the employee's next Benefits Date, and on each Benefits Date thereafter, annual leave required herein, but not taken, shall be lost. For example, an employee that is required to use a minimum of 40 hours of annual leave each benefits year and used only 32 hours, would lose 8 hours.

10.5 (Continued)

- (2) Employees hired before the BEGIN DATE and who had an unused annual leave balance below 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) on the BEGIN DATE shall be allowed to accrue annual leave up to a maximum of 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) during the employee's period of employment with Hillsborough County. On the employee's Benefits Date in calendar year 1998, and on each Benefits Date thereafter, all unused annual leave required (40 hours) by CSR 10.5d(1) above, plus, all unused annual leave held by the employee in excess of 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) shall be lost.
- (3) Employees hired before the BEGIN DATE and who had an unused annual leave balance in excess of 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) on the BEGIN DATE shall be allowed to maintain, but not exceed, that higher amount for the remainder of that employee's employment with Hillsborough County. On the employee's Benefits Date in calendar year 1998, and on each Benefits Date thereafter, all unused annual leave above the balance held by the employee on the BEGIN DATE shall be lost.
- (4) Employees hired on or after the BEGIN DATE may accrue annual leave up to a maximum of 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll is regularly based on a 54 hour work week) during the employee's period of employment with Hillsborough County. On the employee's next Benefits Date, and on each Benefits Date thereafter, all unused annual leave required by CSR 10.5d(1) above, plus, all unused annual leave held by the employee in excess of 320 hours (336 hours for those employees whose payroll is regularly based on a 42 hour work week or 432 hours for those employees whose payroll is based on a 54 hour work week) shall be lost.
- (5) Employees serving on initial probation on or after the BEGIN DATE shall have two years from the employee's date of hire to use all annual leave (80 hours for employees whose payroll schedule is regularly based on a 40 hour work week; 84 hours for employees whose payroll schedule is regularly based on a 42 hour work week; and, 108 hours for employees whose payroll schedule is regularly based on a 54 hour work week) required in these rules.

10.5 (Continued)**e. Compensation for Unused Annual Leave Other Than The Deferred Retirement Option Program (DROP):**

With proper notice, and upon the conditions of death or retirement, voluntary resignation or layoff, any tenured employee, or in case of death, the employee's designated beneficiary, or in the absence of a designated beneficiary, the employee's survivor as defined in Chapter 121.091(8), Florida Statutes, shall be paid for any unused annual leave accrued that does not exceed 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week). Employees who are dismissed for cause, other than for mental or physical impairment, shall forfeit all rights for the payment of all annual leave accrued, but not used.

NOTE: Should an employee die while serving on initial probation, the employee's designated beneficiary, or in the absence of a designated beneficiary, the employee's survivor, as defined in Chapter 121.091(8), Florida Statutes, shall receive payment for any annual leave accrued, but not used, as provided herein.

f. Compensation, Maximum Accrual, and Use of Annual Leave for Employees Enrolled in the Deferred Retirement Option Program (DROP):

- (1) Any employee entering the Deferred Retirement Option Program (DROP) shall be allowed to be paid for any unused annual leave accrued that does not exceed 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week). Employees entering the DROP and elect such payout will not be eligible to receive a second payout upon termination, except to the extent the employee has earned an additional amount of annual leave, which combined with the original payout, does not exceed the maximum payout allowed herein.
- (2) Employees hired before the BEGIN DATE and who had an unused annual leave balance below 320 hours (336 for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) and, upon entering the Deferred Retirement Option Program (DROP) receives a payout of his or her unused annual leave, shall be allowed to accrue annual leave that when combined with that payout does not exceed 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week), or 100 hours, whichever is higher (See Example Below). On the employee's Benefits Date

10.5 (Continued)

in 1998, and on each Benefits Date thereafter, all unused annual leave required (40 hours for employees whose payroll schedule is regularly based on a 40 hour work week; 84 hours for employees whose payroll schedule is regularly based on a 42 hour work week; and, 108 hours for employees whose payroll schedule is regularly based on a 54 hour work week), plus, all unused annual leave held by the employee that, when combined with the payout upon entering DROP, is in excess of 320 hours (336 hours for those employees whose payroll is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week), or exceeds 100 hours, whichever is less, shall be lost (See Example Below):

Example:

Bal on BEGIN DATE	320	336	320	336	1000	1000
Paid Out at DROP	<u>320</u>	<u>336</u>	<u>200</u>	<u>200</u>	<u>320</u>	<u>336</u>
Bal After Payout	0	0	120	136	680	664
MaxBal on BenDate	100	100	120	136	680	664

- (3) Employees hired before the BEGIN DATE and who had an unused annual leave balance above 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) and, upon entering the Deferred Retirement Option Program (DROP) receives a payout of his or her unused annual leave, shall be allowed to accrue annual leave than when combined with that payout does not exceed the amount of unused annual leave held by the employee on the BEGIN DATE. On the employee's Benefits Date in 1998, and on each Benefits Date thereafter, all unused annual leave required (40 hours for employees whose payroll schedule is regularly based on a 40 hour work week; 42 hours for employees whose payroll schedule is regularly based on a 42 hour work week; and, 54 hours for employees whose payroll schedule is regularly based on a 54 hour work week), plus, all unused annual leave held by the employee that when combined with the payout upon entering DROP is in excess of the balance held by the employee on the BEGIN DATE shall be lost (See Example Above).
- (4) Annual leave paid out to an employee at the time he or she enters the Deferred Retirement Option Program (DROP) shall not constitute the use of such hours for the benefits year in which they enroll in the program (i.e. not counted as used hours toward vacation leave required for that benefit year).

10.5 (Continued)

- (5) Should an employee die while enrolled in the Deferred Retirement Option Program (DROP), the employee's designated beneficiary, or in the absence of a designated beneficiary, the employee's survivor as defined in Chapter 121.091(8), Florida Statutes, shall receive payment for any unused annual leave as provided herein.

g. Management Responsibilities:

When properly requested in advance by the employee, it shall be the responsibility of management to insure that employees are provided the opportunity to use all annual leave required under these rules. In cases where the denial of leave by management will result in the employee losing annual leave, or in those cases where the employee was not available to use the required annual leave because of an approved leave of absence, workers' compensation absence, enrollment in the Performance Improvement Program, or other compelling reasons, the maximum accrual and minimum usage requirements may be temporarily adjusted by the Agency Head on an individual case by case basis as follows:

- (1) temporary adjustments may be made for a maximum period of up to twelve months beyond the employee's Benefits Date.
- (2) the employee must use (or lose) the required minimum usage and reduce their maximum accruals to 320 hours (336 hours for those employees whose payroll schedule is regularly based on a 42 hour work week or 432 hours for those employees whose payroll schedule is regularly based on a 54 hour work week) during the benefits year immediately following the adjusted period. Minimum usage requirements include the amount initially not used because of the temporary adjustment, as well as the amount required during the adjusted period.
- (3) temporary adjustments by the Agency Head of the maximum accrual rate will not increase the maximum hours eligible for compensation as provided for in CSR 10.5(e) above.

10.6 Compensatory Leave:**a. General:**

Compensatory Leave is defined as paid time off in lieu of monetary overtime compensation. Compensatory Leave is earned and accrued by any non-exempt (classified) employee for work performed in excess of the standard hours for which overtime compensation is required. Compensatory Leave is earned at a rate of not less than one and one-half hours of Compensatory Leave for each hour of overtime worked.

10.6 (Continued)

b. Compensatory Leave for Salaried Employees:

Employees who have been designated as salaried employees [FLSA Exempt] are not eligible for compensatory leave.

c. Agreement or Understanding Prior to Performance of Work:

As a condition for use of Compensatory Leave in lieu of monetary overtime compensation, the Fair Labor Standards Act requires an agreement or understanding between the employer and employee prior to the performance of work. This can be accomplished pursuant to a collective bargaining agreement, a memorandum of understanding or any other agreement between the employer and representatives of the employee. If the employee does not have a representative, Compensatory Leave may be used only if such an agreement or understanding has been arrived at before the performance of work.

d. Limitations and Use of Compensatory Leave:

Accrual of Compensatory Leave is limited to 240 hours except for employees engaged in fire protection, law enforcement or detention duties. In these cases the limit is 480 hours. These limitations include the time-and-one-half [1 1/2] computation reflected in CS Rule 10.5a.]

- (1) Employees who accrue the maximum amount of Compensatory Leave as specified above, must be compensated in cash payment for all subsequent overtime hours worked until the employee's Compensatory Leave balance falls below the specified limitation.]
- (2) If an employee with more than 240 accrued hours of Compensatory Leave transfers from employment in fire protection, law enforcement or detention duties, the larger accrual may be retained. The employee, however, must be compensated in cash payment for any subsequent overtime hours worked until the balance falls below the 240-hour limitation.
- (3) An employee who has accrued Compensatory Leave and requests use of the time, shall be permitted to use such time within a "reasonable period", or according to the Appointing Authority's policy after making the request, if it does not unduly disrupt the operation of the Agency/Department.

e. Payment for Accrued Compensatory Leave:

Payment for accrued hours of Compensatory Leave may be made at any time at the discretion of the Agency Head or their designated representative. Payment for Compensatory Leave shall be at the regular rate of pay earned by the employee at the time the employee receives payment. Upon termination of employment, an employee shall be paid for unused hours of Compensatory Leave figured at:

10.6 (Continued)

- (1) the average regular rate of pay received by such employee during the last three (3) years of employment or,
- (2) the final regular rate of pay received by such employee, whichever is higher.

NOTE: The phrase "last three years of employment" means the three years immediately prior to termination, so that, if an employee has a break in service, the period of employment after the break will be treated as a new employment. [FLSA 560]

10.7 Civic Leave:

- a. An Agency Head, or their representative, may grant an employee Civic Leave with full pay for any absence necessary for serving on a jury, voting in an election, training for or service as an election official, or conducting official personnel actions under the provisions of these Rules. Civic Leave with full pay may also be granted to an employee to respond to any subpoena involving a criminal matter, except in those specific instances in which the employee, or any immediate family member is a charged party. An employee may also be granted Civic Leave with full pay to attend Court as a witness under subpoena in Civil matters unless the employee is a named party, or when the matter before the Court involves a member of the employee's immediate family.
- b. An employee subpoenaed in line of duty in response to Hillsborough County management as a witness or defendant shall not be granted Civic Leave. Appearances in such cases shall be considered as part of the employee's job assignment and on work pay status. The employee shall be paid per diem and travel expenses as lawfully permitted. Employees in a work pay status shall be required to turn over to the County any fees received from the Court.

10.8 Military Leave of Absence:

- a. Any employee holding a classified position shall be granted a leave of absence to serve in the uniformed services of the United States of America. For purposes of this rule, service in the uniformed services or "military service" shall include voluntary or involuntary service in the uniformed services for active duty, initial or subsequent active duty for training, inactive duty training, full-time National Guard duty, and any time necessary for determination of fitness for such duty or for performing funeral honors or other ceremonial duty, in the Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard) or their Reserves, National Guard, commissioned corps of the Public Health Service, or other category designated by the United States of America. [CSL §7(2)(p); 38 USC §4303 (13) & (16); 4316(b)(1)(a)]

10.8 (Continued)

- b. Any classified employee who expects to leave such employment for a period of military service shall give such notice and provide such information as is practical under the circumstances of the military service. The employee shall also advise whether the employee seeks benefits continuation during the leave. The Appointing Authority shall notify the Civil Service Board of the commencement of military service so that the rights of the employee may be observed. [CSL §7(2)(p); 38 USC §4312 (a)(1) & (b)]
- c. During military leave, the employee shall be entitled to protection of seniority, performance ratings and benefits as provided herein, unless the employee provided clear written notice of intent not to return prior to leaving for military service:

 - (1) The employee's performance review date shall not be adjusted to reflect the leave. Each tenured employee who is on military leave at the time of his or her performance review date shall be given a rating of no less than "successful" by operation of this rule and shall be entitled to receive any salary increases attributable to such rating. The employee shall also receive any market equity increases or other increases that may be awarded to similarly situated employees. Probationary employees whose military service during leave is less than 30 days shall have any unserved probation extended to resume upon the employee's return from military service as provided by Civil Service Rule 8.6c(3). Probationary employees whose period of military service while on leave is 30 days or more shall be deemed to have completed probation by operation of this rule. CSL §7(2)(o)&(p); 38 USC §4316(b)(1)(B)&(C)
 - (2) The employee's benefits date shall not be adjusted to reflect the leave. The employee shall retain all rights to participate in benefit programs, including the continuation of Appointing Authority contributions for such benefit programs, as otherwise provided by Appointing Authority policy. Such policy must, at a minimum, comply with 38 USC §4317, and shall treat employees at least as favorably as similarly situated employees who are on leave of absence for reasons other than military service. [CSL §7(2)(o)&(p); 38 USC §4316(b)(1)(B)&(b)(4),4317]
 - (3) If the employee provided clear written notice of intent not to return prior to leaving for military service, but requests reemployment after the completion of military service, the employee must be provided retroactive adjustments to seniority, performance ratings, and benefits date as if the employee had remained employed.
- d. Except as provided in subsection (3) below, any classified employee who is absent on military leave, or who leaves the employment of Hillsborough County as a result of military service and is discharged or separated from military service under honorable conditions, shall be reemployed, provided such employee exercises his or

10.8 (Continued)

her reemployment rights within the time prescribed by this rule. The employee shall provide proof of military service and discharge status if required. The returning employee shall be entitled to reemployment and protection of seniority, performance ratings, and benefits as provided in this rule.

- (1)** After the conclusion of military service, the employee shall report for work, or provide notice of intent to return to work, within the following amount of time, depending upon the duration of the military service:
 - (a)** if the employee is absent for military service of less than 31 days, or is absent for examination for fitness for duty, the employee shall report to work no later than the first regularly scheduled work shift the employee would normally work commencing on or after the first full calendar day that begins after (1) eight or more hours after the completion of the military service, plus (2) any time necessary for travel from the location of military service to the employee's residence:
 - (b)** if the employee is absent for military service of more than 30 but less than 181 days, the employee shall report to work or give notice of intent to return to work no later than 14 days after the completion of military service:
 - (c)** if the employee is absent for military service of more than 180 days, the employee shall report to work or give notice of intent to return to work no later than 90 days after the completion of military service:
 - (d)** for the purpose of this rule, any period of time spent in hospitalization for, or in rehabilitating or recovering from an illness or injury received or aggravated during the course of military service or in travel to an from military service, and in which it was impossible or unreasonable for the employee to report or to give notice of intent to return to work, shall extend the time for reporting or giving notice of intent to return:
 - (e)** if the employee cannot reasonably report to work or give notice of intent to return within the time provided by subsections (a) through (c) through no fault of the employee, the employee may report or give notice by the first calendar day when it is reasonably possible to do so.

10.8 (Continued)

- (2) The failure of an employee to give timely notice shall not automatically disqualify an employee from reinstatement or reemployment. An employee who reports to work or provides notice of intent to return after the time provided by this rule may be considered absent without authorized leave, and if so considered, shall be treated consistent with the Appointing Authority's disciplinary policy for similarly situated individuals.
 - (3) An Appointing Authority is not required to reinstate or reemploy an employee returning from military leave under the following circumstances:
 - (a) the Appointing Authority's circumstances have so changed as to make reinstatement or reemployment impossible or unreasonable:
 - (b) in the case of an employee who is not qualified to return to either the position the employee would have held or previously held, reinstatement or reemployment of the employee in another position would be an undue hardship:
 - (c) the prior employment of the employee was in a temporary or limited duration appointment and there is no reasonable expectation that the appointment would continue indefinitely or for a significant period.
 - (4) If an Appointing Authority denies reinstatement or reemployment on the grounds in subsection (3) above, the Appointing Authority must notify the Civil Service Board of the denial so that alternative positions within the Civil Service system may be considered. Nothing in this subsection shall preclude the employee from exercising any rights to challenge the Appointing Authority's decision to deny reinstatement or reemployment under the Civil Service Law or Rules or any other law.
- e. The employee shall be reinstated to the classified service in the following priority of positions:
- (1) The employee shall be reemployed in the classification which he or she would have held had the military leave not been taken, including any reclassification or regrades thereof, so long as the employee is qualified or can be requalified for the classification with reasonable efforts and within a reasonable time with or without reasonable accommodation.
 - (2) If the employee is not qualified for the classification the employee would otherwise have held, and cannot be requalified with reasonable efforts and within a reasonable time with or without a reasonable accommodation, then the employee shall be reinstated in the last classification the employee held

10.8 (Continued)

prior to leaving on military leave, if this classification is different from that provided in the preceding part (1), provided the employee remains qualified or can be requalified with reasonable efforts and within a reasonable time with or without reasonable accommodation.

- (3) If the employee has been on military leave for longer than ninety (90) days and there are no vacant positions in the classification the employee would otherwise be returned to under this rule, the employee may be reemployed in any classification for which the employee is qualified that is equivalent in seniority, pay, and benefits.
 - (4) If the employee is unable to qualify for the classification the employee would otherwise have held on account of a disability incurred or aggravated during the military service, the employee shall be reinstated to the classification for which the employee is qualified or can be qualified with reasonable efforts and with a reasonable time with or without reasonable accommodation that is the equivalent, or most nearly equivalent, in seniority, pay, and benefits to the classification the employee would have held.
 - (5) If the employee is not qualified for either the classification the employee would have held, or the classification held at the time of taking leave for reasons other than a service-related disability, and cannot be requalified for either classification with reasonable efforts and within a reasonable time with or without reasonable accommodation, the employee shall be reemployed in the classification for which the employee is qualified or can be qualified with reasonable efforts and within a reasonable time with or without reasonable accommodation (i) that is the most nearly equivalent in seniority, pay and benefits to the classification the employee would have held; but if no such position exists, then the employee shall be reinstated to (ii) the classification that is most nearly equivalent in seniority, pay, and benefits to the classification the employee last held prior to commencement of the leave.
 - (6) In the event that an employee is reinstated to or reemployed in a lower classification because of the employee's inability to qualify for the higher classification the employee would otherwise have been entitled to, the Appointing Authority may request to maintain the employee's prior salary as provided by Civil Service Rule 8.10.
- f. Upon return to classified employment, the employee shall be reinstated to any benefits that were not continued during the military leave. The employee may not be required to serve an additional waiting period, and no-pre-existing condition exclusion may be imposed for any health plan, unless the exclusion would have applied notwithstanding the military service. [CSL §7(2)(o); 38 USC §4316(A), 4317, 4318]

10.8 (Continued)

- g.** No Appointing Authority shall take any employment action against a classified employee because of the employee's past, present, or future military status, service, or leave. An employee may grieve or appeal any employment action subject to the Civil Service Board's grievance or appeal jurisdiction on the grounds that the action was taken because of the employee's military status, service, or leave, or that the action did not comply with this rule. Nothing in this rule shall prevent an Appointing Authority from taking any employment action that otherwise would have been taken notwithstanding the employee's military status, service, or leave. [CSL §§2m 7 (1)(n)(s) &(t); 38 USC §§4311(a)]
- h.** This rule is intended in part to implement the protections of the Uniformed Services Employment and Reemployment Rights Act of 1994 and Florida Law. No provision of this rule shall be interpreted or applied in such a manner as to provide lesser protection or rights to an employee requesting leave for military service than as otherwise provided by state or federal law.

10.9 Paid Military Leave:

- a.** Military leaves of absence as provided in CSR 10.8 shall generally be without pay, except that employees may use accrued paid leave at the employee's option. However, certain employees serving in the uniformed services shall be entitled to leave with pay as provided in this rule.
- (1)** Any employee serving in the National Guard of the State of Florida or other reserve component of the Armed Forces of the United States shall be entitled to paid leave for up to 240 working hours in any one calendar year. A request for military leave of absence with pay must be accompanied by official military orders that include the employee's name, social security number and inclusive dates of training. When blanket travel orders are issued in lieu of individual orders, such orders must be endorsed to include the above information and shall be signed by an official representative of the military unit involved. Payment of County wages or salary during such leave period should equal, but not exceed, the amount which normally would have been earned during that same period had the reservist not been ordered to military duty. [FS115.07]
 - (2)** Any employee serving in the National Guard of the State of Florida or other reserve component of the Armed Forces of the United States activated by Federal Order shall be entitled to paid leave for forty (40) consecutive hours in any one annual period when returning to employment from active duty.

10.9 (Continued)

- (3) Except as provided by CSR 10.9a(1) above, classified employees who are absent on military leave shall be paid as provided by agency policy or County law. [CSL §7(2)(o); Hillsborough County BOCC Resolution 98-021]
- b. During any period of military leave, employees shall accrue annual, sick, and other paid leave as provided by agency policy or County law.

10.10 Leave Without Pay - Other Cogent Reason:

When it is in the best interests of the County and the employee concerned, appointing authorities are authorized to approve leaves of absence without pay that is not provided for in other sections of the Civil Service Rules for periods not to exceed twelve months, provided the employee substantiates cogent reasons therefore such as extended family illnesses requiring the employee's presence, participation in educational programs beneficial to the employee's growth in his or her present or projected classification, or other compelling personal hardships where the employee's absence from work is necessary. Such leave shall not be granted solely for reasons involving the engagement in other employment or income producing business. Any request exceeding twelve months shall be forwarded for consideration by the Civil Service Board prior to the expiration date approved by the Appointing Authority.

10.11 Bereavement Leave:

- a. Upon written request, the Appointing Authority, or designated representatives, may grant any classified employee up to twenty-four hours of absence with pay, in the event of the death of a member of the employees' family as defined in CS Rule 10.11b below. The request shall cite whether relationship or place of residence, is the basis for the leave. The Appointing Authority or a designated representative shall take whatever measures are necessary, to satisfy themselves of the eligibility of the employee for leave with pay under the provisions of this rule.
- b. The family is defined as the employee's spouse, child (including step-child), parent (includes not only the biological parent, but any individual who acted *in loco parentis* of the employee when the employee was under 18), step-parent, siblings (includes step-siblings and half-siblings), grandchild, grandparent, grandparent-in-law, great grandparent, great grandparent-in-law, parent-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, or any relative residing within the employee's household.
- c. Bereavement leave may also be granted to an employee who is the parent of a still born child of twenty (20) weeks or more gestation.
- d. Bereavement Leave is of a special nature and may not be deferred or converted to any other purpose. It is not charged against any other leave account, and is not accumulated in the manner of annual or sick leave. Payment in lieu of Bereavement Leave is not authorized. The frequency with which it is granted shall be governed only by necessity.

10.11 (Continued)

- e. Annual leave, if accrued, or leave without pay may be granted in conjunction with Bereavement Leave.

10.12 Uni-Leave:

- a. In lieu of the sick leave, annual leave, and holiday provisions set forth by these rules, each agency may propose and the Board may adopt for that agency a Uni-Leave program which provides for the accrual, use, and payment of leave hours. The adoption of such a program shall be subject to the following guidelines:
 - (1) Participation in the uni-leave program must be available to all classified employees of that agency.
 - (2) Employees hired prior to the effective date of the uni-leave programs adoption shall initially have the option of continuing to participate in the sick leave, annual leave, and holiday programs, as provided for by these rules, or participating in the uni-leave program.
 - (3) New hires and employees promoted/transferred from an agency that has not adopted a uni-leave program to an agency that has adopted a uni-leave program shall be required to participate in the established uni-leave program.
 - (4) The uni-leave program shall have a method for the conversion of current sick and annual leave accruals.
 - (5) The uni-leave program shall provide for accrual of uni-leave days based on an employee's length of service.
 - (6) Employees promoted/transferred from an agency which has adopted a uni-leave program to an agency which has not adopted a uni-leave program shall have their uni-leave accruals converted to sick leave and annual in the same ratio as they will be accruing sick and annual leave. [For example: An employee with 16 years of service accrues 20 days of annual leave and 12 days of sick leave per year. Should that employee have 46 days of uni-leave and be promoted/transferred to an agency which does not have a uni-leave program, the employee's uni-leave days would be converted to 28.75 annual leave days and 17.25 sick leave days].

10.13 Family and Medical Leave Act (FMLA) Leave:**a. General:**

In accordance with the Family and Medical Leave Act of 1993 [FMLA]; and, in compliance with the Agency's policies, any eligible employee shall be granted up to 12 weeks of family and medical leave during any 12 month period. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the policy of the Agency. Section 585 (a) of the National Defense Authorization Act (NDAA) amended the FMLA to provide two new leave entitlements:

10.13 (Continued)

- (1) **Military Caregiver Leave:** Eligible employees who are family members of covered service members will be able to take up to 26 weeks of leave in a single 12-month period to care for the service member with a serious illness or injury incurred in the line of duty on active duty.
- (2) **Qualifying Exigency Leave:** Allows eligible employees, with a covered military member serving in the National Guard or Reserves who is called to active duty or on active duty in support of a contingency operation, up to 12 weeks of leave to manage their affairs.

b. Eligibility:

To be eligible, an employee must have been employed within the Hillsborough County Civil Service system for at least twelve [12] months; and, must have worked a minimum of 1250 hours during the twelve-month period preceding the commencement of the requested leave.

c. Entitlements:

In order to qualify for FMLA leave, an eligible employee must be taking the leave for one of the reasons listed below:

- (1) the birth of the employee's son or daughter (including where the employee has a relationship of in loco parentis) or to care for or bond with the infant;
- (2) the placement of a son or daughter with the employee for adoption or foster care;
- (3) the care of the employee's spouse, son or daughter (including where the employee has a relationship of in loco parentis), or parent with a serious health condition.
- (4) the employee's own serious health condition which makes the employee unable to perform the functions of his or her job;
- (5) the care of a covered service member with a serious illness or injury incurred in the line of duty on active duty;
- (6) qualifying exigencies are broad categories such as short-notice deployment; military events and related activities; childcare and school activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; additional activities not encompassed in the other categories, but agreed to by the employee and management.

d. Employee Obligations:

In accordance with the FMLA; and, in compliance with the Agency's policies, eligible employees may be required to provide advance leave notice, medical certification, and re-certification. The granting of such leave may be denied if such requirements are not met.

e. Continuing of Health Benefits:

During any period that an eligible employee takes leave under the provisions of the FMLA, the Agency by which the employee is employed shall maintain coverage under any group health plan for the duration of such leave. Such coverage shall be at the level and under the same conditions that coverage would have been provided if the employee had not departed on leave. The employee shall continue to be responsible for his or her portion of the premium, co-payments, deductibles and any other out-of-pocket cost.

f. Adjustment of Benefits Date and Performance Review Date:

The employee's Benefits Date and Performance Review Date shall be adjusted according to Civil Service Rule 8.6c[1] [2] and [3].

g. Re-Establishment of Benefits Following Leave of Absence:

All benefits to which the employee was entitled as required by Civil Service Law and Rules on the date the leave commenced; and, for which not otherwise compensated, shall be reestablished on the date the employee returns from such leave. No further benefits accrue during the actual period of unpaid leave.

h. Other Leaves of Absence:

Nothing in this rule shall preclude an employee, who is otherwise eligible for a leave of absence for personal medical reasons, or dependent care, as provided for in CS Rule 10.3, 10.4 or 10.10, from applying for such leave in addition to any Family and Medical Leave of absence to which the employee may be entitled.

10.14 Administrative Leave:

- a. In the event of alleged misconduct or where the continued presence of the employee in the workplace may constitute a substantial interference, the Agency Head, or designated representative, may immediately place the employee on administrative leave with pay without the benefit of advanced written notification. The employee shall remain on administrative leave for the remainder, if any, of the workday. At the earliest practicable time, the Agency Head, or designated representative, shall communicate with the employee to determine the next course of action.
- b. If there is a need to initiate and complete a formal investigation for violation of a Civil Service Rule(s), or any operational or administrative rule(s) or established

procedure(s), the employee may be placed on administrative leave with pay not to exceed 30 consecutive calendar days. This leave may be extended for an additional period of time if deemed necessary by the Agency Head, or designated representative, so that the total time does not exceed 90 consecutive calendar days. Extensions beyond 90 consecutive calendar days must be submitted sufficiently in advance for approval by the Civil Service Board prior to the 90th day.

- c. The placement of an employee on administrative leave with pay under the provisions of CSR 10.14a or 10.14b above is not a disciplinary measure and is not appealable to the Civil Service Board.
- d. Administrative leave may be granted in order to provide compensation to employees for situations when the employee is denied the opportunity to work by County officials because of extraordinary events beyond the employer's control. Such events may include weather conditions, fire, evacuation, loss of electrical power, or other similar situations as determined by the Appointing Authority. Administrative leave granted under this provision is of a special nature and may not be deferred or converted to any other purpose. It is not charged against any other leave account, and is not accumulated in the manner of annual or sick leave. The frequency with which it is granted shall be governed only by necessity.
- e. Any classified employee who has been rated by the United States Department of Veterans Affairs, or its predecessor, to have incurred a service-connected disability and, has been scheduled by the United States Department of Veterans Affairs to be reexamined or treated for such disability, may be granted Administrative Leave not to exceed forty-eight (48) hours in any one calendar year for such reexamination or treatment.

Dismissals, Suspensions, Involuntary Demotions for Cause, Resignations, and Pre-Disciplinary/Administrative Due Process Hearings

11.1 General Provisions for Dismissals, Suspensions, and Involuntary Demotions for Cause:

- a. Personnel actions contemplated in this rule are those which diminish or eliminate, either permanently or temporarily, the salary of a tenured member of the classified service. Those actions include involuntary demotion for cause, suspension without pay, and dismissal from employment.
- b. A classified employee may be suspended with or without pay, demoted for cause, or dismissed by his or her Agency Head or their designated representative, when such action will promote the efficiency of the classified service. Any adverse action taken by the Agency Head, or their designated representative, must be based on just cause.
- c. Any non-tenured employee in the classified service may be suspended or dismissed for any cause if that suspension or dismissal will promote the efficiency of the classified service. Such adverse actions shall not be appealable to the Civil Service Board. [CSL Section 11 (1)]
- d. No disciplinary action shall be based on an employee's sex, color, age, marital status, national origin, citizenship status, disability, political or religious affiliations, or any other non-performance factor. [CSL Section 2(1) (2) (3) or IRCA]

11.2 Reasons for Dismissals, Suspensions, or Involuntary Demotions for Cause:

Employees in the classified service may be suspended, involuntarily demoted, or dismissed for cause. Cause may include but is not limited to situations where the employee during the scope of employment or, when applicable, in any other capacity or under circumstances that adversely affect an agency's or Hillsborough County's interest has:

- (1) violated the Civil Service Rules, or any operational or administrative rules or procedures established by or for the Agency Head or their designated representative, which are not inconsistent with these rules.
- (2) exhibited incompetence; or continued rendering of unsatisfactory service, after instruction and/or counseling.
- (3) failed to maintain competence or legal capacity to perform the duties required of the classification/position.
- (4) demonstrated a gross neglect of duty or a specific serious failure to perform assigned duties.
- (5) committed an act of insubordination.

11.2 (Continued)

- (6) violated any lawful official regulation or order, or failed to obey any proper direction made and given by a superior.
- (7) committed harassment, including but not limited to sexual harassment, or actions which, although not amounting to a cause of action for harassment, are inappropriate actions of a sexual, hostile, abusive or interfering nature towards another employee, customer, vendor, citizen, or any other person with whom the employee comes into contact as a result of employment.
- (8) failed to acquire or maintain a valid license, registration or certification, as required by Federal or State law, or applicable Hillsborough County Agency policy, when such license, registration or certification is required in the class specification or the position description.
- (9) improperly used or possessed, sold, distributed, dispensed or manufactured a controlled substance, or an illegal drug while at work, on Hillsborough County property, in a County vehicle or other vehicle utilized in the service of the County, or while off the premises performing work for the County.
- (10) indulged in an intoxicating beverage, an hallucinogen, or a controlled stimulant or depressant drug while on duty or preceding duty so that such indulgence can be discerned after the time for commencement of duties. [The professional opinion of one licensed physician, or the signed statements of two or more other persons, shall suffice for determination of discernment of intoxication].
- (11) engaged in a physical fight at the work site or has engaged in a verbally abusive and/or intimidating confrontation with a supervisor, peer, employee, or a member of the public.
- (12) negligently operated a County owned or other vehicle used in the service of the County.
- (13) violated, or failed to enforce, safety practices including the performance of unsafe acts, failure to wear and/or use safety equipment, or failure to comply with safety rules.
- (14) failed to immediately report a work related personal injury or damage to property or equipment.
- (15) used or threatened to use, or attempted to use, bribery, personal or political influence of his or her position for personal gain. [CSL Section 18]
- (16) in connection with official duties, accepted compensation other than that specifically authorized by Civil Service Rules. [CSL Section 18]

11.2 (Continued)

- (17) misappropriated County funds, appropriated County property, services, or personnel for his/her personal use, or illegally disposed of County property.
- (18) damaged County property through negligence.
- (19) made false claims or misrepresentations on behalf of oneself or another in an attempt to obtain County provided benefits, workers' compensation benefits, or other payments or credits.
- (20) been absent without leave, failed to give proper notice of absence, or failed to report after a leave of absence has expired.
- (21) failed to maintain a satisfactory attendance record.
- (22) committed or been convicted, or entered a plea of guilty or nolo contendere, to an act which constitutes a felony or a misdemeanor having specific relevance to the duties of the employee's classification.
- (23) falsified or omitted information as part of the qualifying application for employment and/or promotion, or any other document of Civil Service or the using agency, for the purpose of personal gain or reward. [CSL Section 18]
- (24) violated established security procedures during the qualifying examination process or has obtained information, through unauthorized or illegal means, which provides an unfair advantage on any qualifying examination.
- (25) without approval, knowingly and willfully modified, used or accessed data, communications systems, programs or supplies used or intended to be used in County computers, computer systems, communications systems, or network.
- (26) exhibited actions or conduct prejudicial to good order, or detrimental to the interest of Hillsborough County.
- (27) demonstrated mental or physical impairment that prevents the employee, with or without reasonable accommodation, from performing the essential functions of his or her position.
- (28) engaged in activities while not on duty in the classified service, including but not limited to activities in other employment or elected office, which are inconsistent with or create a conflict of interest with the requirements of performing or serving in the classified service. If discipline is imposed under this rule without the Appointing Authority providing prior notice to the employee that it considers an action to be inconsistent with or to create a conflict of interest with performance or service in the classified service, and the

11.2 (Continued)

activities are not otherwise improper, unlawful, or a violation of these rules, the Appointing Authority must demonstrate that immediate discipline is justified by compelling circumstances.

- (29) disrupted, disturbed, or in any way interfered with an agency investigation, including but not limited to: knowingly having made false allegations which were investigated; knowingly having made or caused to be made false statements or misrepresentations during the course of an investigation; having taken or destroyed documents relevant to an investigation; knowingly having spread false information concerning an investigation; or having inappropriately influenced, or having attempted to inappropriately influence, witnesses, potential witnesses, or investigators in an agency investigation.
- (30) knowingly made or caused to be made a false statement or misrepresentation in a matter of official county business, including but not limited to an agency's mission or activities, the employee's work performance, or dealings with customers.
- (31) refused to repay monies to or enter into a reasonable repayment agreement with an agency which mistakenly paid or gave monies or benefits to or on behalf of the employee as a result of an administrative error or incorrect information and to which the employee was not entitled.
- (32) any other properly substantiated cause that is in the best interest of Hillsborough County.

11.3 Immediate Suspensions In The Best Interest of Hillsborough County:

- a. Upon determination that the conduct of an employee creates a situation requiring the removal of the employee from a duty station, the Agency Head or designated representative may immediately suspend the employee, with or without pay; and, without the benefit of advanced written notification. [CSL Section 11 (3)]
- b. Situations may include, but are not limited to those situations in which the retention of the employee would:
 - (1) result in damage to County property; or,
 - (2) be injurious to the employee, a fellow employee, or to the general public; or,
 - (3) substantially impair management's ability to maintain decorum and discipline; or,
 - (4) there is a need to initiate or complete a formal investigation regarding action by the employee that may lead to discipline; or,

11.3 (Continued)

- (5) be otherwise detrimental to the interest of Hillsborough County.
- c. Employees suspended under these provisions shall be provided written notice of the action taken, stating the reason(s) therefor; and, the effective date(s). The notice shall also provide the employee an opportunity to respond at a Pre-Disciplinary hearing schedule for that purpose. The notice shall be provided the employee within three (3) working days or five (5) calendar days of their suspension date, whichever is sooner.
 - d. In the event the Agency Head or designated representative does not schedule a Pre-Disciplinary hearing within a 60-day calendar period from the effective date of suspension, the Agency Head, or designated representative, will provide the employee and the Civil Service Board a status report with reasons as to the delay in scheduling of a Pre-Disciplinary hearing. Thereafter, a status report will be sent to the employee and the Civil Service Board every 30 days until a Pre-Disciplinary hearing is scheduled.

11.4 Pre-Disciplinary and Administrative Due Process Hearing Requirements:

When dismissal, suspension, or involuntary demotion for cause action against a tenured employee is contemplated by an Agency Head or their designated representative, it is the responsibility of that authority or designated representative to provide the employee with written notice of the intended action, detailing the reasons therefor, and providing the employee an opportunity to respond at an informal Pre-Disciplinary or Administrative Due Process hearing scheduled for that purpose.

- (1) The hearing shall be scheduled no sooner than five working days from the date of the written notice to administer the dismissal, suspension, or involuntary demotion, unless the employee waives this time and requests an earlier hearing.
- (2) After hearing the employee's response at the scheduled Pre-Disciplinary or Administrative Due Process hearing, the Agency Head or their designated representative, may lessen, or rescind the action first intended, or may proceed.
- (3) If the final decision is to impose the dismissal, suspension, or involuntary demotion, the Agency Head or their designated representative, shall provide the employee, as soon as possible, with written notification of such action using Civil Service Form 5 [Notice of Employment Suspension, Involuntary Demotion for Cause, or Dismissal]. Such notification must be signed and dated by the employee indicating his or her acknowledgment. Should the employee refuse to sign the notification, a statement to that effect shall be placed in the space provided for the employee's signature and be authenticated by the Agency Head or their designated representative.
- (4) Where the CS Form 5 cannot be personally presented to the employee, the Agency Head or duly authorized representative, shall mail such notification to

11.4 (Continued)

the employee's last known address using Certified Mail [return receipt requested]; and, shall afford the employee an opportunity to file an appeal within ten [10] calendar days from receipt. In these cases, the employee's acknowledgement of receipt shall constitute the official date of receipt of the final notice of suspension, demotion, or dismissal. In cases where the notification is returned unclaimed, the "date of first attempted delivery" indicated on the returned mailed document shall be used as the employee's official date of notification of dismissal, suspension, or involuntary demotion for cause.

- (5) A copy of the Civil Service Form 5, signed by the employee, along with Civil Service Form 2 [Status Form] changing the status of the employee, shall normally be forwarded to the Civil Service Office within five [5] working days of imposing dismissal, suspension, or involuntary demotion for cause action.

11.5 Resignation of Position:

- a. An employee may leave the service of Hillsborough County voluntarily by resignation. Whenever possible, a resignation should be in writing and submitted to the Appointing Authority in a timely fashion.
- b. The effective date of a resignation submitted by an employee, whether orally or in writing, should provide for sufficient notice to allow for proper replacement. Sufficient and proper notice shall normally be considered to be at least two weeks.

11.6 Abandonment of Position:

- a. An employee may be deemed to have abandoned his or her position of employment, if the employee does not return to work at the properly appointed time. Three consecutive working days of unauthorized absence constitute the normal period of absence taken as an indication of abandonment. However, termination of employment is not mandatory and circumstances of each case must be carefully examined by the Agency head or their designated representative before a report of dismissal of employment is entered in the record.
- b. In cases involving a tenured employee, the Agency Head or their designated representative shall provide the employee with written notification of the intention to initiate termination action as a result of abandonment of position. Such notification shall be mailed to the employee's last known address using Certified Mail [return receipt requested]; and, shall afford the employee an opportunity [normally ten (10) calendar days from the date of receipt] to respond justifying the unauthorized absence. Should the final period end on either Saturday, Sunday or Hillsborough County designated legal holiday, the period shall be extended until the end of the next day which is neither a Saturday, Sunday nor Hillsborough County designated legal holiday.

11.6 (Continued)

- (1) After considering the employee's response, the Agency Head or their designated representative may rescind the action first intended or initiate disciplinary action.
- (2) If the final decision is to discipline, the Agency Head or his/her designated representative shall comply with the requirements stipulated in Civil Service Rule 11.4.
- (3) Should the employee fail to respond to the original notification letter, the Agency Head or his/her designated representative, may consider this as an indication of abandonment and shall initiate dismissal action. In these cases, a copy of the notification letter with evidence of mailing, along with CS Form 2 changing the status of the employee, stating the effective date and reason, shall be forwarded to the Civil Service Office as soon as possible.
- (4) Any employee who is dismissed as a result of abandoning his or her position, and was properly notified of the Agency Head's intention to dismiss and who failed to respond to that notification, shall forfeit all rights for the payment of all sick and annual leave accrued, but not used.

11.7 Reduction-In-Force:

- a. Each Agency Head shall develop and file with the Civil Service Board a Reduction-In-Force Plan, to include a method of reemployment. Such plan shall be filed with the Civil Service Board no later than sixty (60) days prior to the effective date of the reduction-in-force.
- b. The Agency Head of the agency in which the reduction-in-force will occur, shall identify the number of positions to be reduced within each affected classification.
- c. Before any tenured employee in the classification to be reduced is laid off, employees on initial probation in the affected classification and, all temporary and substitute employees performing like work shall be dismissed..
- d. The Agency Head shall certify the names of those to be laid off in the classification to be reduced, based upon seniority and other factors, as established by the Agency Head's Reduction-In-Force Plan. Special consideration in the retention of employees shall be given those persons eligible to receive veterans' preference, as defined in Civil Service Rule 7.1c.
- e. The Agency Head shall furnish each classified employee to be laid off, written notification of the intended action. The notification shall be provided to the employee

11.7 (Continued)

a minimum of two weeks in advance; and, state the reason for the layoff and the effective date. Concurrently, a copy of the notice shall be forwarded to the Civil Service Office for appropriate action and inclusion in the employee's permanent record.

- f.** Before any RIF'd employee is placed in a position of promotion, a Closed Promotional Opportunity or an Open Recruitment process must be completed in accordance with applicable Civil Service Rules. To be considered for these recruitments, the employee must apply through the Civil Service Office and be certified as qualified for special consideration on employment eligibility lists.
- g.** Employees that are laid off due to a reduction-in-force may apply for Closed Promotion Recruitments within one year of lay off.
- h.** Any tenured employee who is reemployed in a classified position within one year after having been laid off from a classified position shall have their tenure status restored. The employee's benefits date and performance review date will be adjusted for the total number of days between the last day of work and the date of reemployment.
- i.** All benefits to which the tenured employee was entitled, as required by Civil Service Law or Rules, on the date of lay off; and, for which not otherwise compensated, are reestablished on the date of reemployment. No further benefits accrue during the actual period of lay off.
- j.** Upon reemployment in the same classification, the employee shall receive the same rate of pay held at the time of lay off, or the minimum of the pay range, whichever is higher.
- k.** Upon reemployment in a lower classification, the employee shall be placed in the same relative position of the lower pay range as provided for in Civil Service Rule 7.3c (2).
- l.** Employees reemployed in a higher classification shall receive an increase in salary as provided for in Civil Service Rule 8.2a (1). The employee's Performance Review date shall be established based on the probation period of the new job classification (normally six months). In the event that the conditional probation period is unsuccessful, return to former class is not an option.
- m.** Upon reemployment in a different classification, without promotion or demotion, the employee shall receive the same rate of pay held at the time of lay off, or the minimum of the pay range, whichever is higher.

11.8 Workers' Compensation Dismissal and Return to Work Program

- a. The Agency Head shall file notice with the Civil Service Board whenever it becomes necessary to dismiss any classified employee qualified for wage loss benefits, as defined in the State Workers' Compensation Statute, or any classified employee who is unable to perform the essential functions of their job with or without reasonable accommodation(s).
- b. Each classified employee to be dismissed shall be given a written notice of dismissal by the Agency Head at least two weeks prior to the date of effect. The notice shall state the reason for dismissal and the date it is to become effective. Concurrently, a copy of the notice shall be forwarded to the Civil Service Office for inclusion in the employee's permanent record.
- c. In cases where Civil Service is not actively recruiting; and, in order to assist the employee in gaining other employment, they will be certified; and, their names referred for consideration to those departments/agencies having vacancies in the classification for which they qualify. Before any such employee is placed in a position of promotion, a Closed Promotional Opportunity, or an Open Recruitment process must be completed in accordance with applicable Civil Service Rules.
- d. The name of each classified employee dismissed shall be placed on the Open Recruitment Eligibility List for any classification which qualified; and, shall be retained thereon for three months or until reinstated, whichever occurs first.
- e. Any person who is reinstated in a classified position after having been dismissed from any such position in the Civil Service system, shall have their tenure status restored, if applicable. All service which was creditable on the date of dismissal will be included when computing the employees length of service, provided the employee is reinstated within one year from the effective date of dismissal.
- f. In all cases of dismissal, the employee's Benefits Date will be adjusted by adding the length of the dismissal, regardless of the length of that period.
- g. All benefits to which the employee was entitled, as required by Civil Service Law or Rules, on the date of dismissal; and, for which not otherwise compensated, are reestablished on the date of reinstatement. No further benefits accrue during the actual period of dismissal.
- h. Upon reinstatement in the same classification, the employee shall receive the same rate of pay held at the time of dismissal, or the minimum of the pay range, whichever is higher. The Performance Review Date will be adjusted by adding the length of the dismissal, regardless of the length of that absence.

11.8 (Continued)

- i.** Upon reinstatement in a lower classification, the employee shall be placed in the same relative position of the lower pay range as occupied in the higher pay range. The employee's most recent Performance Review Date and conditional probationary period, if applicable, will be adjusted by adding the length of the dismissal, regardless of the length of that absence

- j.** Employees reinstated in a higher classification shall receive an increase in salary as provided for in Civil Service Rule 8.2a(1). The employee's Performance Review Date shall be established at the successful completion of conditional probation, normally six months from the date of reinstatement.

- k.** Upon reinstatement in a different classification, without promotion or demotion, the employee shall receive the same rate of pay held at the time of dismissal, or the minimum of the pay range, whichever is higher. The Performance Review Date will be adjusted by adding the length of the dismissal, regardless of the length of that absence.

- l.** As an exception to the procedures prescribed above in Civil Service Rule 11.8h through 11.8l, the Agency Head may, when budgetary necessity dictates, reinstate any employee at any pay level within the pay range that does not exceed the employee's rate of pay at the time of dismissal.

Performance Management:**12.1 General:**

- a. Hillsborough County Government pursues the goal of economical delivery of high quality services to County citizens. Accomplishment of this goal requires that the job performance of each County employee be maintained at the highest levels. The Hillsborough County Civil Service Board is mandated to establish a system for the management of classified employee job performance [CSL Section 2 (2)]. Individual Agency Heads are responsible for establishing systems for managing the performance of unclassified employees.
- b. Throughout these rules, the term "Rater" is used to refer to individuals who provide job performance direction to one or more classified employees. The term "Reviewer" is normally used to refer to the individual who supervises the Rater.
- c. For whatever reason, when a Rater vacates a position and is no longer available to perform any or all of the duties described in this rule, the Reviewer shall assume the duties of that Rater on an interim basis until a new Rater is appointed. In this event, the provisions of CSR 12.6 shall be followed.
- d. The Hillsborough County Civil Service Performance Management System and Performance Report are established and will be utilized as prescribed herein. In general, the system requires that Raters provide employees with clear job expectations, that employee performance be objectively monitored, that timely and constructive feedback be frequently delivered and that a written evaluation of the employee's performance over the course of the review period be prepared in accordance with the provisions outlined in CSR 12.5.
- e. The training of Raters in the techniques of performance management is essential to the successful implementation of this performance management system. It is equally important that Raters receive periodic refresher training to ensure the system is properly maintained.
- f. The procedures and reports identified in these rules should be considered minimum requirements which in no way preclude an Agency Head from adopting additional performance management policies which do not conflict with these rules.
- g. An agency may propose and the Board may adopt for that agency alternative forms and procedures.
- h. While this section of the rules defines reporting and other requirements of the Hillsborough County Civil Service Performance Management System, there is a great deal more to the process than is addressed in these rules. For supplementary information on the techniques of effective performance management and the application of those techniques to the Performance Report process, individuals are encouraged to refer to the most current edition of the Performance Management Handbook published by the Hillsborough County Civil Service Board.

12.1 (Continued)

- i. The Civil Service Board Staff will not process a "Change of Status" form (CS Form 2) recommending a change in an employee's pay due to performance related factors prior to the receipt of the Performance Report upon which the change of status is based.
- j. Section 12.7b of this rule identifies the circumstances under which an employee is and is not eligible for a job performance related increase in pay (performance increase) as a direct result of a completed job performance review. The primary factors are the employee's overall job performance rating, the employee's probation status, and the employing agency's performance increase policy in effect on the employee's performance review date. Notwithstanding Section 7b indicating that a given set of circumstances makes an employee eligible for a performance increase, when the employing agency's performance increase policy is zero percent, employees receive no pay increase.

12.2 Responsibilities:**a. Civil Service Board:**

- (1) Ensuring that current Performance Management Handbooks are distributed to all Agencies in a timely manner.
- (2) Reviewing submitted Performance Reports for completeness and verifying the accuracy of related "Change of Status" forms.
- (3) Filing completed Performance Reports in the official personnel file.
- (4) Tracking rating patterns and providing summary reports to Agency Heads.

b. Agency Head or Delegate:

- (1) Designating a Rater and Reviewer to evaluate the job performance of each classified employee. The designation of a Rater and Reviewer shall conform to the following guidelines.
 - (a) Designated Raters shall be selected from within the Agency.
 - (b) Designated Raters shall have frequent opportunities to direct and observe the performance of the employee whose performance they evaluate.
 - (c) Reviewers shall normally be the Rater of the Rater.
 - (d) The designation of separate individuals as Rater and Reviewer is not required, if the employee works directly for, and is rated by, an Agency Head who has no identifiable individual as an immediate superior.

12.2 (Continued)

- (2) Ensuring that all Raters receive training in the performance management process and rules.
- (3) Ensuring that the performance management process is initiated on the schedule outlined in these rules.
- (4) Reviewing and approving each Performance Report prior to the Report being finalized and received by the employee. The purpose of this review is to:
 - (a) Ensure that the Performance Report is properly completed.
 - (b) Resolve rating differences between the Rater and Reviewer.
 - (c) Approve a performance increase, if applicable, based on performance.
- (5) Providing a final signature of approval.

c. Employee:

Responsible for participation in the completion of the Performance Report through conferences with the Rater at the beginning, mid-point and end of the review period. Employees are also responsible for reviewing the completed Performance Report and providing written comments on the appropriate form.

d. Rater:

Responsible for completing a minimum of one Performance Report for each rated employee during each performance review period. It is also the responsibility of the Rater to forward the Performance Report to the Reviewer according to schedule. As described in Civil Service Rule 12.5d, portions of the Performance Report shall be completed at the beginning, mid-point and end of the performance review period.

e. Reviewer:

Responsible for ensuring that Raters correctly implement the Performance Management System. Reviewer shall be involved in the completion of the Performance Report through conferences with the Rater during the review period. Responsible for reviewing the Rater's ratings and recommended performance increase. It is also the responsibility of the Reviewer to forward the Performance Report to the Agency Head or delegate according to schedule.

12.3 Training of Raters, Reviewers, and Employees:

- a. Each Rater and Reviewer shall receive formal training in the techniques of performance management as they relate to the Civil Service Performance Management System.

12.3 (Continued)

- b.** At the time of hire or very soon thereafter, each employee shall be given an overview of the performance management procedures with emphasis placed on the employee's role in the process.
- c.** Performance Management Handbooks, describing the details of the performance management process, shall be distributed to all County employees who either rate or are rated.

12.4 The Performance Report and Handbook:

- a.** The Performance Report is a flexible form that must be customized by each Rater to accurately reflect the job duties performed by each employee being rated.
- b.** The Performance Management Handbook shall be used in conjunction with the Performance Report. The purpose of the Handbook is to clearly define each performance dimension rating scale and to reinforce prior training in the techniques of performance management.
- c.** The Performance Management Process forms and handbooks will be modified as necessary. Copies of the most current versions of the Performance Management Process handbooks and forms may be obtained from the Civil Service Office.

12.5 How and When to Prepare Performance Reports:

- a.** The purpose of the Performance Report is to document the Performance Management Process throughout the performance review period.
- b.** In general, the performance review period begins on the day after each employee's last Performance Review Date and ends with the next Performance Review Date. Exceptions to this general rule include newly hired and promoted employees. Civil Service Rule 8.6 addresses the establishment and revision of Performance Review Dates.
- c.** Completed Performance Reports shall normally be received by the Civil Service Office no later than the Performance Review Date of each employee.
- d.** The Performance Report for Hillsborough County classified employees will be prepared according to the following schedule:
 - (1)** Within approximately two weeks of the beginning of the performance review period, the Rater will meet with the employee to accomplish the following:
 - (a)** The Rater will familiarize the employee with the County Performance Management process.

12.5 (Continued)

- (b) The Rater will use the Performance Report to communicate to the employee the performance dimensions and rating scales on which the employee will be evaluated.
 - (c) Both the Rater and employee shall sign and date the Performance Report to indicate that this discussion occurred.
- (2) At approximately the mid-point of the performance review period, a performance review discussion shall be held between the Rater and the employee. As a minimum, the discussion shall consist of the following:
 - (a) The Rater will use the Performance Report to provide the employee with feedback on his/her job performance throughout the first half of the performance review period.
 - (b) The Rater will work with the employee to define performance expectations for the remainder of the performance review period.
 - (c) Both the Rater and employee shall sign and date the Performance Report to indicate that this discussion occurred.
- (3) Approximately four weeks prior to the end of the performance review period, the Rater shall begin the process that will result in a final Performance Report. Because there are several steps in this process, sufficient lead-time must be planned in order to complete the Report on time.
 - (a) The Rater notifies the employee that the final Report preparation process has begun and that the employee may complete the optional self-evaluation report prior to the end-of-term meeting.
 - (b) The Rater completes a draft of the Performance Report by assigning performance ratings to the appropriate dimensions with supporting comments and assigning an overall performance rating.
 - (c) The Rater and Reviewer review the draft Performance Report.
 - (d) The Rater and employee meet and review the draft Performance Report. A copy of the draft Performance Report shall be provided to the employee upon their request.
 - (e) Each employee completes a Rating Response Form following the review of the draft Performance Report. The completed Rating Response Form is attached to the Performance Report and becomes part of the Report. Employees who do not wish to provide written comments shall, as a minimum, indicate on the Rating Response Form that they were afforded the opportunity to provide written comments and sign and date the form.

12.5 (Continued)

- (f) Following the End-of-Term meeting with the employee, the Rater finalizes input into the report by accomplishing the following:
 - 1) Revises ratings and comments on the Performance Report, if necessary, to reflect the outcome of the meeting with the employee.
 - 2) Indicates a recommended performance increase, if applicable.
 - 3) Signs and dates the Performance Report.
- (g) The Rater then submits the Report to the Reviewer for review, comment and discussion as needed. The Reviewer provides comments on the Report and signs and dates the Report.
- (h) The Reviewer then submits the Report to the Agency Head or delegate for final review and approval. Any differences between the Rater and Reviewer, in terms of either performance ratings or recommended performance increase amount, shall be resolved by the Agency Head or delegate.
- (i) The final Report shall be signed by the Rater, Reviewer, and the Agency Head or delegate.
- (j) The Rater meets with the employee and presents the Performance Report. The employee may make written comments concerning the final Performance Report and should sign and date the Report in the space provided, at which time the Report becomes finalized.

12.6 Change in Rater/Employee Relationship:

- a. This rule addresses the special reporting requirements to be followed when there is a change in the individual designated as an employee's Rater. Such a change can be as a result of either the original Rater being replaced by a new Rater or the employee moving to a new position under a new Rater.
- b. The employee's Performance Review Date shall not be adjusted as a result of a Rater change. (Reference Civil Service Rule 8.6)
- c. The following procedures apply to Rater changes for employees on either Initial or Conditional Probation:

12.6 (Continued)

- (1) If the Rater change occurs at any time prior to the final 30 days of the Performance Review Period:
 - (a) The Performance Report which was begun by the original Rater shall be completed by the original Rater according to Rule 12.5d and forwarded to the new Rater. The original Rater's Report shall be referred to as the Interim Performance Report.
 - (b) The employee and new Rater shall meet as soon as possible to review the previously established job expectations, establish expectations for the remainder of the current review period and sign a new Performance Report.
 - (c) The new Rater shall be responsible for completing the Performance Report and all related actions throughout the remainder of the Performance Review period as described in Civil Service Rule 12.5d.
 - (d) When assigning dimension and overall ratings as described in Civil Service Rule 12.5d(3)(b), the new Rater shall take into consideration the Interim Performance Report prepared by the original Rater.
- (2) If the Rater change occurs within the final 30 days of the Performance Review Period:
 - (a) The Performance Report which was begun by the original Rater shall be finalized by the original Rater as quickly as possible according to Civil Service Rule 12.5d. The timing of the finalization process may be adjusted to fit the circumstances. However, the Performance Report shall normally be received by the Civil Service Office no later than the employee's Performance Review Date.
 - (b) The new Rater shall not prepare a Performance Report for the current Performance Review period, nor shall the new Rater have input into the process as a Rater.
 - (c) For practical purposes, the employee and new Rater should view the remainder of the current Performance Review period as the beginning of a new Performance Review period and should begin a new Performance Report as soon as possible, according to Civil Service Rule 12.5d.

12.6 (Continued)

- d.** The following procedures apply to Rater changes for employees not on either Initial or Conditional Probation:
- (1)** If the Rater change occurs within the first 89 days of the beginning of the Performance Review period:
 - (a)** The Performance Report which was begun by the original Rater becomes invalid.
 - (b)** The employee and new Rater shall meet, review job expectations and sign a new Performance Report as described in Civil Service Rule 12.5d(1).
 - (c)** The remainder of the performance review period should follow the procedures described in Civil Service Rule 12.5d.
 - (2)** If the Rater Change occurs after the first 90 days and before the final 90 days of the performance review period:
 - (a)** The Performance Report which was begun by the original Rater shall be completed by the original Rater according to Civil Service Rule 12.5d and forwarded to the new Rater. The original Rater's report shall be referred to as the Interim Performance Report.
 - (b)** The employee and new Rater shall meet as soon as possible to review the previously established job expectation, establish expectations for the remainder of the current review period and sign a new Performance Report.
 - (c)** The new Rater shall be responsible for completing the Performance Report and all related actions throughout the remainder of the performance review period as described in Civil Service Rule 12.5d.
 - (d)** When assigning dimension and overall ratings as described in Civil Service Rule 12.5d(3), the new Rater shall take into consideration the Interim Performance Report prepared by the original Rater.
 - (3)** If the Rater change occurs within the final 89 days of the performance review period:
 - (a)** The Performance Report which was begun by the original Rater shall be finalized by the original Rater as quickly as possible according to Civil Service Rule 12.5d. The timing of the finalization process may be adjusted to fit the circumstances. However, the Performance Report shall normally be received by the Civil Service Office no later than the employee's Performance Review Date.

12.6 (Continued)

- (b) The new Rater shall not prepare a Performance Report for the current performance review period, nor shall the new Rater have input into the process as a Rater.
- (c) The employee and new Rater shall meet and initiate a new Performance Report according to Civil Service Rule 12.5d. This will result in the new performance review period beginning prior to the Performance Review Date and the performance review period being somewhat longer than one year.

12.7 Action as a Result of Performance Ratings:

- a. Initiation of actions is the prerogative of the Agency Head. Based on the content of the Performance Report, the Agency Head shall identify an appropriate action to be taken, as provided for in CS Rule 12.7b below. A "Change of Status" Form shall then be prepared and submitted to the Civil Service Office, along with the employee's Performance Report.
- b. Actions available to Agency Heads vary, depending on whether performance during the review period was successful or less than successful and whether the affected employee is tenured or is a probationary employee.
 - (1) Actions available for employees not on probation and whose overall performance was successful or better during the performance review period:
 - (a) Eligible for a performance increase. At the Agency Head's discretion, the size of individual performance increases may be made to vary with the level of individual performance. Application of increases shall be made in a fair and consistent manner.
 - (b) Adjust the Performance Review Date to a date one year in the future.
 - (c) Initiate a Performance Report for the new Performance Review period.
 - (2) Actions available for employees not on probation and whose overall performance was less than successful during the performance review period:
 - (a) Award no performance increase and adjust the Performance Review Date to a date one year in the future. In no case shall an employee with an overall performance rating of less than successful be given a performance increase.

12.7 (Continued)

- (b) If the employee is considered potentially productive, the employee may be placed on the Performance Improvement Program as described in Civil Service Rule 12.9.
 - (c) Take appropriate disciplinary action in accordance with Civil Service Rules 11, up to and including dismissal.
- (3) Actions available for employees on probation and whose overall performance was successful or better during their probationary period:
- (a) Employees serving a six month initial probation:
 - (1) Remove from probation by submitting a completed Performance Report attached to a status form.
 - (2) No performance increase may be granted at this time.
 - (3) Adjust the Performance Review Date to a date six months in the future.
 - (4) Initiate a Performance Report for the new Performance Review period.
 - (b) Employees serving a one year initial probation who complete probation at the end of one year:
 - (1) Remove from probation by submitting a completed Performance Report attached to a status form.
 - (2) Eligible for a performance increase. At the Agency Head's discretion, the size of the salary increase may be made to vary with the level of individual performance. Application of increases shall be made in a fair and consistent manner.
 - (3) Adjust the Performance Review Date to a date one year in the future.
 - (4) Initiate a Performance Report for the new Performance Review period.
 - (c) Employees serving a one year initial probation who complete probation prior to the end of one year or those employees that had their initial six month probation extended in accordance with CSR 7.3d(3)(e)2:
 - (1) Remove from probation by submitting a completed Performance Report attached to a status form.

12.7 (Continued)

- (2) A performance increase may not be granted at this time. Employees who complete a one year probationary period prior to the end of one year shall be eligible for a performance increase at the completion of one year of unbroken service in the same classification. The Agency Head, or designated representative, shall forward a status form to the Civil Service Office granting a salary increase referencing the Performance Review submitted to document the early completion of initial probation.
 - (3) Adjust the performance Review Date to a date one year in the future.
 - (4) Initiate a performance Report for the new Performance Review period.
- (d)** Employees serving on conditional probation:
- (1) Eligible for a performance increase.
 - (2) Removed from probation by submitting a Performance Report attached to a status report.
 - (3) Adjust the Performance Review Date to a date that is one year in the future.
- (4)** Actions available for employees on probation and whose overall performance was less than successful during the performance review period:
- (a)** Employees serving on Initial Probation may be dismissed as non-tenured employees, if action is taken prior to the expiration of Initial Probation.
 - (b)** If the employee is on Conditional Probation as a result of being promoted he or she may be returned to their former classification in accordance with Civil Service Rule 7.3g(4).
 - (c)** Employees who are considered potentially productive may be placed on Extended Probation, as described in Civil Service Rule 7.3d(3)(a), if action is taken prior to the expiration of probation.
 - (d)** If the employee is serving on Conditional Probation, award no performance increase and adjust the Performance Review Date to a date one year in the future. In no case shall an employee with an overall performance rating of less than successful be given a performance increase.

12.7 (Continued)

- (e) Take appropriate disciplinary action in accordance with Civil Service Rule 11, up to and including dismissal

12.8 Disposition of the Rating:

- a. Performance Reports shall normally be completed and forwarded to the Civil Service Office for inclusion in that employee's personnel records not later than his or her Performance Review Date.
- b. The "Change of Status" form, when appropriate, should be promptly forwarded to the Civil Service Office for verification and inclusion in that employee's personnel file at the same time as employee's Performance Report.
- c. All papers related to the employee's Performance Report should at all times be handled and transmitted as confidential information.

12.9 The Performance Improvement Program (PIP):

- a. The performance management process described in this rule emphasizes that, in order to perform well, employees require instruction from their Raters as to the nature of the work to be performed and feedback on the effectiveness of their efforts. However, not all employees are able to perform at a successful level without more detailed instruction and feedback than is generally given, even though the employee may be entirely willing and able to perform at a successful level following a period of closer supervision.
- b. The Rater of an employee whose performance does not measure up to desired standards should, as soon as practicable, and not having to wait until the end of the performance review period, place that employee in the Performance Improvement Program (PIP) and inform him or her of the provisions of the program.
- c. At no time shall an employee be placed on the Performance Improvement Program at the conclusion of their performance review period based on an overall performance rating of successful or better.
- d. **Basic Components of the Performance Improvement Program:**
 - (1) Clear communication of performance expectations.
 - (2) Objective observation and counseling of the employee and a sincere effort to assist the employee in improving job performance.
 - (3) An adequate, but not overly prolonged, opportunity for the employee to perform at a successful level.
 - (4) A realistic evaluation of the employee's performance followed by appropriate action.

12.9 (Continued)

- e. Enrollment in PIP shall not abridge the rights of a classified employee. While the Benefits Date is unchanged by enrollment in PIP, the Performance Review Date of the employee is always adjusted by the length of time the employee is enrolled in the Performance Improvement Program (See Civil Service Rule 8.6h).
- f. Employees will normally be placed on PIP for a period of 180 calendar days. However, PIP may be canceled at anytime at the discretion of the Rater.
- g. **Procedural Rules for the Performance Improvement Program:**
 - (1) The employee shall be notified, in person, of the Rater's intention to enroll the employee in PIP. The Rater shall inform the employee of the reasons for enrollment in PIP by noting the employee's work related strengths and weaknesses.
 - (2) A written record shall be made of the employee's enrollment in PIP, including the reasons for enrollment. The employee shall be asked to sign the written record to indicate knowledge of its contents. A copy of the signed, written record will be provided to the employee and a copy furnished to the Civil Service Office.
 - (3) During the time the employee is on PIP, the Rater will emphasize frequent observation of employee performance and frequent coaching to improve performance. Depending on the nature of the performance deficiency, the Rater may provide the employee with additional training.
 - (4) The Rater and employee shall meet every 60 days, at a minimum, to discuss performance improvement or lack thereof. As at the initiation of PIP, written records of these counseling sessions, setting forth the specific improvements still required, will be furnished to the employee and to the Civil Service Office.
 - (5) At the end of the normal 180 calendar day enrollment period, the employee will be notified, in writing, of one of the following and a copy of this notification furnished to the Civil Service Office.
 - (a) That job performance has improved to a successful or better level and PIP is discontinued.
 - (b) That job performance has not improved to a successful or better level. One of two actions may be taken by the supervisor:

12.9 (Continued)

- 1) The Performance Improvement Program may be extended once for an additional specific period of time (not to exceed 90 days) due to noticeable performance improvement.
- 2) Take appropriate disciplinary action in accordance with Civil Service Rule 11, up to and including dismissal.

Department Reports:**13.1 Types of Reports:**

For the proper maintenance of lists, registers, and records, as required by law, the appointing authority shall report to the Board the following:

- a. Creation of any position in the office.
- b. Request for certification when vacancy is to occur.
- c. Report of appointment.
- d. Report of promotion, demotion, transfer, or lay off.
- e. Refusal of certified eligible to accept position or failure of the eligible to report for duty in the position.
- f. Separation or expected separation from the service of any employee and reason therefor.
- g. Notice of suspension.
- h. Necessity for reduction in force.
- i. Employee Performance Ratings.

13.2 Form and Manner of Reports:

All such notices and reports required above shall be submitted in the form and manner prescribed by the Board.

Complaints and Grievances:

14.1 General:

a. Classified Employees Eligible to File Formal Grievances:

- (1) Any member of the classified service shall have the right to secure consideration of any complaint or grievance, formal or informal, as provided in these rules. Matters of concern to employees should be treated seriously, promptly, and with as much confidentiality as possible by those persons in a position to provide redress.
- (2) It is the intent and desire of the Hillsborough County Civil Service Board to encourage discussion of any employee complaint or grievance on an informal basis between the supervisor and an employee. Such discussion should be held with a view to reach an understanding which will resolve the matter without the need for recourse to the formal grievance procedures contained herein.
- (3) It shall be a violation of these rules to interfere with, restrain, coerce or otherwise retaliate against a classified employee for filing or pursuing a grievance under these rules, or for giving testimony in connection with the filing or pursuit of a grievance under these rules.

b. Members Covered by Collective Bargaining Agreements:

Employees who are members of a bargaining unit shall be allowed to grieve any single action through either the collective bargaining grievance procedures or the Civil Service Board grievance procedures. Once a grievance is initiated in either process it shall be resolved in that process. [FS 447.401]

14.2 Formal Grievance Documentation, Process, and Time Limitations:

a. Documentation Requirements:

The standard form to be used in the grievance process is CS Form 6. This document is a four part form and shall be completed by the employee, or their designated representative, and forwarded to the appropriate management official(s) for redress as follows:

Form

Forwarded to:

CS Form 6A

Immediate Supervisor

CS Form 6B

Second-line-Supervisor

14.2 Continued

Form

Forwarded to:

CS Form 6C (See Note)

Next in-line Supervisor, in succession, up to and including the Agency Head, or their designated representative

CS Form 6D

Civil Service Office

NOTE: Should the Agency Head, or his or her designated representative, not have been one of the management officials responding as either the Immediate or Second-line-Supervisor, then CS Form 6C may be used for each level of management beyond the Second-line-Supervisor. Should extra copies be necessary, the employee shall make additional copies of the original CS Form 6C as necessary.

b. Processing Requirements:

- (1) The affected employee, or a designated representative of the employee, may initiate a grievance by filing the CS Form 6A to the most immediate supervisor within the time provided in CS Rule 14.2c(1) below. If the matter pertains to the misapplication of Civil Service Law or Rules, or a violation of the Appointing Authority's policies, the employee must cite the specific law, rule, or policy that he or she believes has been violated.
- (2) The employee, or his or her designated representative, may present the written grievance to the next level of management, in succession, up to and including the Agency Head, or his or her designated representative, if the grievance is not resolved in the initial step, or is delayed beyond the specified periods of time stipulated in CS Rule 14.2c(1) below.
- (3) If it is believed that the grievance involves a matter related to the violation or misapplication of the Civil Service Law or Rules; and, the grievance is not satisfactorily resolved within the employee's Agency, the employee, or their designated representative, may present the grievance to the Director of the Civil Service Board for review to determine the propriety of affording the employee a hearing before the Civil Service Board.

c. Time Limitations:

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

14.2 (Continued)

- (2) Upon receipt of the decision provided in any step, the grievant, or his or her designated representative, shall have five working days, or one calendar week, whichever occurs later, to appeal to the next higher level of management in the grievance process, including the Civil Service Office. Likewise, except as provided for in Civil Service Rule 14.2c(3) below, each level of management shall have five working days, or one calendar week, from receipt of the grievance to respond to the employee. In the event that management at any level fails to respond in a timely manner, the grievant may appeal to the next step. The time limits specified herein shall be tolled in cases where the grievant or management official is unavailable due to an authorized absence.
- (3) Grievances forwarded to the Agency Head, or his or her designated representative, shall be responded to within ten working days, or two calendar weeks, whichever occurs later, unless the grievant and the Agency Head, or their designated representatives, are then jointly engaged in seeking a suitable solution.
- (4) The time periods specified herein begin on the day following receipt of the grievance. Should the final period end on either Saturday, Sunday, or Hillsborough County designated legal holiday, the period shall be extended until the end of the next day which is neither a Saturday, Sunday, nor Hillsborough County designated legal holiday.

14.3 Director's Review of Grievance:

- a. Upon the filing of a grievance in the Civil Service Office, the Civil Service Board Director shall review the grievance to determine whether the facts alleged in the grievance and supporting documents, if taken to be true, constitute, or may constitute, a violation or misapplication of the Civil Service Law or Rules. The Director shall notify the parties of his decision in writing.
- b. If the decision of the Director is that the grievance does not state a violation or misapplication of the Civil Service Law or Rules, he shall deny a grievance hearing. A decision to deny a hearing is subject to appeal to the Board pursuant to Civil Service Rule 3.2.
- c. If the decision of the Director is that the grievance does or may state a violation or misapplication of the Civil Service Law or Rules, he shall so notify the parties, indicating the issues that he finds are properly raised in the grievance.
- d. If the Director determines that more information from the grievant or Appointing Authority is necessary in order to decide whether the grievance does or may state a violation or misapplication of the Civil Service Law or Rules, he may request such information prior to making a decision.

14.4 Basis for Formal Grievance Hearing:

The documents which forms the basis for the grievance hearing by an employee is the CS Form 6 [Hillsborough County Civil Service Employee Grievance], including all subparts and all attachments thereto. The information contained in the Civil Service Form 6, and the Civil Service Rule or Law violations identified therein, are the only subject matter appropriate for consideration during the grievance hearing.

14.5 Scheduling of Formal Grievance Hearing:

- a. The Civil Service Board shall make every reasonable effort to hear any grievance as soon as possible consistent with other Civil Service matters and priorities. The Director shall serve notice(s) of the time, date and location of the Pre-Hearing Conference and subsequent grievance hearing. The Director's notice regarding the granting of a hearing shall take into account other Board matters and priorities.
- b. Any request for enlargement of deadlines or continuance or rescheduling of a grievance hearing must be submitted in writing with full justification by the grievant or Appointing Authority so as to reach the Civil Service Office by the end of that business day which is five working days prior to the hearing date. All such requests, whether or not prepared and signed by counsel or other representative of the party, must be signed by the grievant or the Agency Head. This signature requirement cannot be delegated.
- c. Continuances and extensions will be granted only upon a showing of good cause. The first request for extension of any deadline, or continuance or rescheduling of a grievance hearing or pre-hearing conference, may be granted by the Civil Service Board Director. The second request may be granted by the Civil Service Board Chairman, or, in his or her absence, the Board Vice-Chairman. Any further request for continuance or rescheduling, or any request received after the five working days stated above, shall be presented in person by the employee, the Agency Head, or their respective representative, to the Board when it next convenes and the same shall be granted by the Board only upon a showing of good and compelling cause.

14.6 Pre-Hearing and Hearing Procedures:

The procedures and standards to be used in a grievance hearing shall be those contained in CSR 15.7 (Subpoena Authority and Powers of the Civil Service Board), CSR 15.8 (Pre-Hearing Conference Requirements), CSR 15.9 (Marking and Listing of Exhibits), CSR 15.10 (Findings of Fact), CSR 15.12 (Hearing Procedures), CSR 15.14 (Fact Finding, Evidence, Testimony, and Credibility of Witnesses) and CSR 15.16 (Final Order of the Civil Service Board), except as follows:

- a. Motions for Summary Judgment shall not be permitted in a grievance.

14.6 (Continued)

- b. The time for hearing grievances shall be 25 minutes per side, and may be increased pursuant to Civil Service Rule 15.8e.

14.7 Civil Service Board Composition During Grievance Hearings:

The composition of the hearing panel shall be determined by the Chairman of the Civil Service Board. The panel shall consist of a least three Board members.

14.8 Burden of Proof:

It is the responsibility of the grievant to prove his or her case by a preponderance of the evidence. A "preponderance of the evidence" simply means that amount of evidence which is enough to persuade the Board that the facts asserted by the grievant are more likely true than not true. The grievant must then show that those facts constitute a violation of the Civil Service Board Law or Rules.

14.9 Remedies:

- a. A prevailing grievant shall be entitled to be made whole from any adverse action inconsistent with the Civil Service Law or Rules. The remedy provided shall meet the substance of the grievance and the Board's findings. The scope of relief may include, but, may not be limited to the following:
 - (1) the revocation of any action taken in violation of Civil Service Law or Rules;
 - (2) reinstatement of lost compensation or benefits;
 - (3) issuance of a statement of findings and the ordering of any action within the Board's powers.
- b. Attorney fees and cost of litigation will not be recoverable by either party to a grievance.

Civil Service Board Appeal Hearing Procedures**15.1 General:****a. Employees Eligible for Appeal Hearing:**

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

b. Employees Not Eligible for Appeal Hearing:

- (1) An employee who has not satisfactorily completed the required initial probationary period shall have no right to a Pre-disciplinary or Administrative Due Process hearing, or to an appeal hearing before the Civil Service Board. [CSL Section 10 (1)]
- (2) Unsuccessful completion of the required conditional probationary period following promotion is not appealable to the Civil Service Board. [CSL Section 10 (2)]
- (3) Employees not holding a classified position shall not be eligible for an appeal hearing. This shall include any employee within the Administrative Office of the Courts (Court Administrator) who holds a position which was not classified as of January 1, 1998, and funded by Hillsborough County Board of County Commissioners.

c. Employees Covered by Collective Bargaining Agreements:

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

d. Employee Rights During Appeal Hearing:

During the appeal hearing, the employee initiating the appeal shall have the right to be heard publicly, to present evidence, to cross examine, and to be represented by legal counsel, or an individual of the employee's choice, as provided for in 15.1(e). In all cases, the employee shall be responsible for any and all expenses that he or she may incur in these proceedings.

- e. An employee may be represented in a grievance or appeal proceeding by any individual who is not a witness to the proceeding. Such representative may not be compensated for their assistance, unless the individual is licensed or admitted to practice law in the state of Florida, another state, the District of Columbia, or a federal court, or unless the individual is compensated in his or her capacity as an employee or representative of a duly recognized bargaining agent.

15.2 Basis for Appeal:

- a. The document which forms the basis for the appeal by a classified employee is the CS Form 5 [Notice of Employment Suspension, Involuntary Demotion for Cause, or Dismissal]. This document must include the action which is being taken, the factual basis for imposing the action, the effective date or dates of the action, and the specific Civil Service Rule(s) which the Agency Head claims have been violated.
- b. The facts contained in the Civil Service Form 5, and the Civil Service Rule violations identified therein, are the only subject matter litigated during the appeal hearing.
- c. Should an Agency Head, or designated representative who initiated the action, desire to present different Civil Service Rule violations than those which appear in the Civil Service Form 5, or a different factual basis for finding a violation of the Rules, the Civil Service Board will remand the appeal back to the Agency Head for further proceedings on the new factual material or Rules.
- d. Except for the requirement of the Agency Head to provide an opportunity for the employee to respond at a Pre-disciplinary or Administrative Due Process hearing, the Civil Service Board shall not consider other aspects of the Pre-disciplinary or Administrative Due Process processes of the Agency Head in any way, including questions such as whether the appellant received adequate notice of the hearing, whether the appellant was adequately represented at the Pre-disciplinary or Administrative Due Process hearing, or whether the Agency Head followed its own internal procedures leading up to the Pre-disciplinary or Administrative Due Process hearing. Evidence introduced by either side at the Pre-disciplinary or Administrative Due Process hearing may be admissible to determine whether the grounds listed on the Civil Service Form 5 are within the scope of matters addressed by the Pre-disciplinary or Administrative Due Process hearing. In addition, evidence introduced at the Pre-disciplinary or Administrative Due Process hearing may be admitted to impeach a witness regarding an inconsistent statement; or for other purposes not inconsistent with this Rule, the Civil Service Law or applicable case law.

15.3 Request for Appeal Hearing:

- a. The request for an appeal hearing must be received by the Civil Service Office within ten (10) calendar days from the official date of receipt of CS Form 5. The ten day period begins on the day following receipt of CS Form 5. Should the final period end on either Saturday, Sunday or Hillsborough County designated legal holiday, the period shall be extended until the end of the next day which is neither a Saturday, Sunday nor Hillsborough County designated legal holiday.
- b. The request for an appeal hearing must be submitted using CS Form 5A; and, state clearly and simply the reason(s) the employee believes the suspension, involuntary demotion for cause, or dismissal was not justified. The request for appeal shall be signed by the employee and/or his or her authorized representative, and shall state the telephone number and address to which a copy of the notice of hearing and other pleading or papers filed in the appeal action should be mailed. [CSL Section 11(4)]

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

15.4 Scheduling of Appeal Hearing:

- a. The Civil Service Board shall make every reasonable effort to hear any timely filed appeal of demotion or dismissal within 30 working days of receipt of the notice of appeal, unless an extension of time is requested by the employee or the Agency Head, or their respective representative. At no time shall the initial hearing of an appeal of dismissal be delayed beyond sixty (60) calendar days without the consent of both parties involved, unless otherwise required by general law. [CSL Section 12(2)]
- b. Requests for appeal hearings involving suspensions shall be scheduled as soon as possible consistent with other Civil Service Board matters and priorities. [CSL Section 12(2)]
- c. After an appeal is filed, the Civil Service Board Director shall provide notice to all parties of the time, date, and location of all hearings and pre-hearing proceedings to take place in an appeal. Such notice shall specify (1) that any motions for summary judgment must be filed no later than 20 calendar days after the date appellant filed the Civil Service Form 5A; (2) the date of the Pre-Hearing Conference which shall normally be held within one week after the summary judgment deadline unless a summary judgment motion is filed; and (3) the date of a hearing before the Board on the appeal which may be scheduled as early as two weeks after the Pre-Hearing Conference. The Director shall serve such further notices as may be required. [CSL Section 12(2)]
- d. Any request for extension of deadlines or continuance or rescheduling of a hearing or pre-hearing conference must be submitted in writing with full justification by the appellant or Appointing Authority so as to reach the Civil Service Office by the end of that business day which is five working days prior to the hearing date. All such requests, whether or not prepared and signed by counsel or other representative of the party, must be signed by the appellant or the Agency Head. This signature requirement cannot be delegated.
- e. Continuances and extensions will be granted only upon showing of good cause. The first request for extension of any deadline, or continuance or rescheduling of any hearing or pre-hearing conference, may be granted by the Civil Service Board Director. The second request may be granted by the Civil Service Board Chairman, or in his or her absence, the Board Vice-Chairman. Any further request for continuance or rescheduling, or any request received after the five working days stated above, shall be presented in person by the appellant, the Agency Head, or their respective representative, to the Board when it next convenes and the same shall be granted by the Board only upon a sufficient showing of good and compelling cause.

15.5 Abandonment of Right to Appeal:

The appellant, or his/her representative, shall at all times keep the Civil Service Board Director informed, in writing, of his or her current telephone number and mailing address, and it shall be the responsibility of the appellant, or his/her representative, to inquire of the Director of the Civil Service Board bi-weekly as to all scheduling matters. Failure to comply with the foregoing or failure to exercise the right of appeal at the latest date established for the notice of appeal, may constitute an abandonment of any further right to appeal the matter at hand.

15.6 Motion for Summary Judgment:

- a. Any party may move for summary judgment when it is believed that there is no genuine issue of material fact; and, that he or she is entitled to prevail as a matter of law.
- b. The Appointing Authority, or designated representative, may move for a summary judgment based upon all or any part of the Civil Service Rules, or the Appointing Authority's operating or administrative rules(s) violations cited on CS Form 5
- c. The Appellant, or designated representative, may move for a summary judgment in that party's favor based upon all of the Civil Service Rules, or the Appointing Authority's operating or administrative rule(s) violations cited on CS Form 5.
- d. Motions for Summary Judgment must be filed with the Director of the Civil Service Office and served by hand delivery, facsimile, or first class mail on the opposing party, or their designated representative, no later than 20 calendar days from the date the appellant filed the CS Form 5A.
- e. Motions for Summary Judgment shall comply with the following requirements:
 - (1) the motion shall state with particularity the grounds upon which the movant will rely for summary judgment and the substantial matters to be argued;
 - (2) all facts argued in support of the motion must be supported by written testimony as described below in CSR 15.6e(4), by affidavit(s) or otherwise, stipulation(s), documents or other admissible evidence. Admissions contained in CS Form 5 and CS Form 5A may be utilized to support a Motion for Summary Judgment. Live testimony will not be taken at a hearing on a Motion for Summary Judgment.
 - (3) any documents supporting the motion must be properly authenticated;

Rule 15.6 (Continued)

- (4) evidence submitted through written testimony shall be under oath or under penalty of perjury; and, in the form of an affidavit, or declaration, or a deposition or hearing transcript from other proceedings; except that testimony offered as an admission by the opposing party need not be sworn if properly authenticated;
- (5) evidence should be of the same quality that the Civil Service Board would admit at an evidentiary hearing.
- f. If the opposing party desires to file a response, including opposing affidavits or other evidence, he or she shall file such response with the Director of the Civil Service Office and serve them on the opposing party, or their designated representative, within fifteen (15) calendar days of receipt of the Motion for Summary Judgment, but in no event, no later than five (5) calendar days prior to the scheduled hearing. A party opposing summary judgment may not rely solely upon the allegations or assertions of its CS Form 5 or CS Form 5A. A party opposing summary judgment which disputes any fact offered by the moving party must offer in its response admissible evidence controverting such facts. Any material facts which are uncontroverted or undisputed by competent evidence as of the date of the hearing may be found to be true by the Board.
- g. Affidavits or other testimony shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant or witness is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached to the affidavit or served simultaneously with the affidavit.
- h. If it appears from the affidavit(s) of a party opposing the motion, that the party cannot for reasons stated, present by affidavit facts essential to support opposition to the motion, the Civil Service Board may order a continuance to permit affidavits to be obtained, or may make such other order as is just.
- i. The Civil Service Board will schedule a hearing to consider oral arguments as soon as possible consistent with other Civil Service Board matters. Board Exhibit 1 sets forth the Board's authority to conduct the hearing and consists of the termination status form, the CS form 5, and the CS Form 5A.
- j. The party, or designated representative, having introduced the Motion for Summary Judgment will have fifteen (15) minutes to present oral arguments to the Board supporting such motion, to include rebuttal.
- k. The party opposing the motion, or designated representative, shall also have fifteen (15) minutes to present oral arguments to the Board opposing the motion.

15.6 (Continued)

- l.** The Civil Service Board members may ask questions of either party, or their designated representative, at the conclusion of that party's oral presentation.
- m.** The judgment sought shall be rendered if the movant presents sufficient evidence that shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Genuine issues which will preclude the granting of a summary judgment are issues which can be supported by substantial competent evidence. The Board shall vote separately on each rule violation for which a party is pursuing summary judgment. The concurrence of the majority of the Civil Service Board members present and voting at the summary judgment hearing shall be necessary for a summary judgment motion to be granted. Therefore, in the event of a tie vote, the motion for summary judgment is denied.
- n.** Should the Appointing Authority prevail on its Motion for Summary Judgment, the disciplinary action imposed by the Appointing Authority shall be considered upheld and the appeal dismissed. The decision of the Civil Service Board shall constitute a final Agency action.
- o.** Should the Civil Service Board deny the Appointing Authority's or the Appellant's Motion for Summary Judgment, an evidentiary hearing shall be scheduled as soon as possible.
- p.** Should the Appellant prevail on his or her Motion for Summary Judgment, the disciplinary action imposed by the Appointing Authority shall be considered vacated in its entirety and the appellant placed in the same position that he or she would have been in had the action not been taken. The scope of relief provided by the Civil Service Board shall be in accordance with Civil Service Rule 15.17.

15.7 Subpoena Authority and Powers of the Civil Service Board:

- a.** The Civil Service Board Director and/or a member of the Civil Service Board is authorized to issue subpoenas to compel the attendance of witnesses and the production of books, accounts, records and documents at a final evidentiary hearing. [CSL Section 12(4)]
- b.** The Civil Service Board, or any member thereof, may administer oaths and compel testimony. [CSL Section 12(4)]
- c.** Persons who disobey an order to testify or a subpoena to appear or produce evidence, issued by the Civil Service Board or any member thereof, can be compelled to obey said order or subpoena through contempt proceedings. The Civil Service Board Director and/or member may initiate contempt proceedings in a court of competent jurisdiction.
- d.** It shall be the responsibility of any party seeking to compel the attendance of a witness through subpoena to take the following steps:
 - (1)** Blank subpoena forms shall be obtained from the Civil Service Office, shall be completed by the party, and returned to the Civil Service Office for issuance.

Rule 15.7 (Continued)

- (2) Upon issuance, the party shall be responsible for obtaining service of the subpoena by a person over the age of 18 years who is not a party to the action, including the payment of any compensation for the service of the subpoena. Service of the subpoena, including witness fee and expenses, shall be made as provided in general Florida law.
 - (3) The party serving a subpoena shall be responsible for payment of the witnesses' fee and expenses as set by general Florida law. CSL Section 12(4)]
- e. The Board may also compel the attendance through subpoena of a witness or other person at any hearing or regular Board meeting on its own initiative. In such case, the Board shall be responsible for all costs of the service of the subpoena, including any service fees and witness fees, which shall be audited and paid in the same manner as other expenses. [CSL Section 12(4)]

15.8 Pre-Hearing Conference Requirements:

- a. To facilitate the formal appeal hearing proceedings, the Civil Service Board Director shall coordinate with the parties to schedule a Pre-Hearing Conference with the Civil Service Board General Counsel and provide notice. Such Pre-Hearing Conference shall normally be scheduled within 7 calendar days after the expiration of the deadline for filing Motions for Summary Judgment and shall be attended by each party to the appeal hearing, or their designated representative.
- b. The failure of either party, or their designated representative, to comply with the requirements set forth herein shall give the Civil Service Board cause to continue the hearing or dismiss the appeal, or to impose other appropriate hearing related sanctions. Should the hearing be delayed due to the appellant or the appellant's designated representative's failure to participate in the Pre-Hearing Conference, and the Appointing Authority be overturned at a later date; make whole remedies as defined by CS Rule 15.17 will not apply to the period from the delayed hearing to the date of the Civil Service Board's final decision to uphold the appeal.
- c. In any case in which a Pre-Hearing Conference is scheduled, it shall be the responsibility of all parties, or their designated representatives, to meet together no later than six (6) calendar days before the date of the Pre-Hearing Conference (or at such other time as the Civil Service Board Director may direct) in a good faith effort to:
 - (1) discuss the possibility of a settlement;
 - (2) stipulate to as many facts or issues as possible;
 - (3) examine all exhibits or documents and other items of tangible evidence to be offered by any party at the hearing and exchange a list thereof;

Rule 15.8 (Continued)

- (4) exchange the names, addresses, and telephone numbers of all witnesses who may be called at the hearing; and, to the extent possible, resolve any scheduling conflicts of such witnesses;
 - (5) determine those issues of fact which are admitted and will require no proof at the hearing; and, those issues of fact which remain to be considered by the Civil Service Board at the hearing; and
 - (6) prepare a Pre-Hearing Statement in accordance with subsection 'd' of this rule.
- d. The Pre-Hearing Statement shall be filed with the Civil Service Board no later than three (3) calendar days before the date of the Pre-Hearing Conference (or at such other time as the Civil Service Board Director may direct), and shall contain:
- (1) a concise statement of the nature of the action;
 - (2) a brief, general statement of each party's case;
 - (3) a list of all exhibits to be offered at the hearing with notation of all objections thereto;
 - (4) a list of all witnesses who may be called at the hearing;
 - (5) a concise statement of those facts which are admitted and will require no proof at the hearing, together with any reservations directed to such admissions;
 - (6) a concise statement of those issues of fact which remain to be litigated (without incorporation by reference to prior pleadings and memoranda);
 - (7) a list of all motions or other matters which require action by the Civil Service Board; and
 - (8) the signature of counsel for each party, or their designated representatives.
- e. The Director of the Civil Service Board may vacate the requirement to hold a Pre-Hearing Conference in cases where the parties, or their designated representatives, timely submit a Pre-Hearing Statement in compliance with CSR 15.8d (Items 1 through 8).

Rule 15.8 (Continued)

- f. The General Counsel shall address all preliminary, non-dispositive motions and make evidentiary rulings on any objections designated in the Pre-Hearing Statement to the exhibits, documents, or other documentary evidence offered by either party, either at the Pre-Hearing Conference or thereafter or, if the requirement to hold a Pre-Hearing Conference has been vacated, in a pre-hearing order prior to the day of the evidentiary hearing. The General Counsel shall also set the amount of time in which the hearing in the case may be tried. The time allotted to hear appeals of suspensions will be 45 minutes per side. The time allotted to hear appeals of demotions or terminations will be 60 minutes per side. If either party shows good cause, the Board Chairman may increase these time limits. Any rulings made by the General Counsel at the Pre-Hearing Conference or thereafter may be appealed to the Civil Service Board at the time of the appeal hearing.

- g. The Pre-Hearing Statement and the pre-hearing order, if any, will control the course of the hearing and may not be amended except by order of the Civil Service Board in the furtherance of justice. If new evidence or witnesses are discovered after filing of the Pre-Hearing Statement, the party desiring to call the same shall immediately notify all other parties, or their designated representatives, and the Civil Service Board Director, and such use shall be permitted only by order of the Civil Service Board in the furtherance of justice.

15.9 Marking and Listing of Exhibits:

- a. Each party, or their designated representative, shall properly mark all exhibits proposed to be offered into evidence at the appeal hearing proceedings. Exhibits, whether or not stipulated into evidence, shall be prepared and submitted as follows:
 - (1) **Stipulated Exhibits:**
 - (a) Each exhibit shall be marked and tabbed separately (i.e. Joint Exhibit 1, Joint Exhibit 2, etc.)
 - (b) Prepare an indexed list of such exhibits, with a descriptive notation sufficient to identify each separate number exhibit.
 - (c) All exhibits and the index shall be fastened in a folder, along with a memorandum signed by each party, or their designated representative, signifying agreement to the offering of such documents.

 - (2) **Unstipulated Exhibits:**
 - (a) Each exhibit shall be marked and tabbed separately (i.e. Appointing Authority Exhibit 1, Appointing Authority Exhibit 2, etc, or Appellant Exhibit 1, Appellant Exhibit 2, etc, as applicable.)

Rule 15.9 (Continued)

- (b) Prepare an indexed list of such exhibits, with a descriptive notation sufficient to identify each separately numbered exhibit.
 - (c) All exhibits and index shall be fastened in a folder.
- b. Each party, or their designated representative, shall furnish a copy of the stipulated exhibits to the opposing party, or their designated representative, and ten (10) copies to the Civil Service Board's Clerk, no later than five (5) calendar days prior to the hearing date, or the date set at the Pre-Hearing Conference.
- c. Each party, or their designated representative, shall furnish a copy of those exhibits which have not been stipulated, to the opposing party, or their designated representative, not later than five (5) calendar days prior to the hearing and ten (10) copies to the Civil Service Board's Clerk at the commencement of the appeal hearing proceedings.

15.10 Findings of Fact:

Each party may submit proposed findings of fact to the Civil Service Board Director not later than the commencement of the said appeal hearing. These will be utilized in the drafting of findings of fact, and will not be distributed to the Board prior to the hearing.

15.11 Civil Service Board Composition During Appeal Hearings:

- a. Normally, either the Chairman or Vice Chairman, and General Counsel to the Civil Service Board, will be present at all such hearings. In the absence of both the Chairman and Vice Chairman, the senior member of the Civil Service Board present shall assume the role of Chairperson. However, in no case shall a hearing proceed in the absence of the Civil Service Board's General Counsel.
- b. The concurrence of the majority of the Civil Service Board members present and voting at such hearings shall be necessary for any action to be taken. However, during an evidentiary or grievance hearing in the event of a tie vote, the decision of the Agency Head shall be upheld.

15.12 Hearing Procedures:

- a. Evidentiary hearings conducted by the Board under Civil Service Rule 14 or Civil Service Rule 15 shall comply with Florida open-meeting law.
- b. For guidance of the parties, evidentiary hearings ordinarily proceed in the following sequence unless by stipulation of the parties or determination by General Counsel, or the Board, it appears that a different procedure or deviation from this procedure, shall be appropriate.
 - (1) The Board shall address any preliminary matters including motions in limine, motions to sequester witnesses or other procedural or substantive matters which should be addressed before commencement of the evidence.
 - (2) Witnesses shall be identified and sworn.
 - (3) Each party may make an opening statement. Opening statements are not evidence and are not designed for argument of the case. Rather, the opening statement provides the parties an opportunity to inform the Board of the facts that the party believes will be shown by the evidence as they relate to the alleged violation(s) of Civil Service Rules(s) or Agency policy(ies) and/or procedures(s). The party bearing the burden of proof shall proceed first.
 - (4) The party bearing the burden of proof shall proceed with its case by calling witnesses and introducing documentary or other evidence. The responding party shall proceed with his or her case. The party bearing the burden of proof, upon cause shown, may be allowed limited rebuttal. Surrebuttal shall not be permitted except when the interests of justice so require.
 - (5) Each witness called by any party may be cross-examined by the opposing party. Re-direct examination shall be permitted. Re-cross examination shall be permitted only upon good cause. At the conclusion of examination by the parties, the Board shall have the opportunity to inquire of the witness.
 - (6) After the conclusion of the evidence, each party shall have the opportunity to present closing argument. Closing argument is not evidence, but is designed to inform the Board of each party's position as to the facts demonstrated by the evidence and whether or not the alleged violation(s) of Civil Service Rules(s) or Agency policy(ies) and/or procedures(s) have been proven.
 - (7) After closing argument, the Board shall conduct its deliberations in open meeting. The Board shall vote separately on each alleged Civil Service Rule violation.

15.13 Burden of Proof:

- a. It is the responsibility of the Agency Head or designated representative to prove its case by a preponderance of the evidence. A "preponderance of the evidence" simply means that amount of evidence which is enough to persuade the Board that the facts asserted by the Agency Head, or designated representative, are more likely true than not true and that those facts constitute a violation of the Civil Service Board Rules.
- b. In deciding whether any fact has been proven by a preponderance of the evidence, a Board member may consider the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence, regardless of who may have introduced them. If the proof fails to establish the Agency Head's case by a preponderance of the evidence, a Board member must find for the appellant.

15.14 Fact Finding, Evidence, Testimony, and Credibility of Witnesses:

- a. The Civil Service Board, acting in its quasi-judicial capacity during such hearings, must initially make a determination about those facts which are relevant to the ultimate issue before the Board. Where those facts are not in dispute, the Board is entitled to accept and rely upon the undisputed facts as its own. Where those facts are in dispute, the Board must resolve the factual disputes created either by testimony or by documentary evidence.
- b. In resolving factual disputes, the Civil Service Board should consider only the evidence that is properly before it, that is, the testimony of the witnesses, and the exhibits admitted in the record. However, as the Board considers the evidence, both direct and circumstantial, it may make deductions and reach conclusions which reason and common sense lead it to make.
- c. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness. "Circumstantial evidence" is proof of a chain of facts and circumstances tending to prove, or disprove, an ultimate conclusion. Nothing the attorney, or the appellant's representative says is evidence in the case, nor is anything said in the opening statements, the closing arguments, or objections, whether stated by lawyers or by parties representing themselves. It is the Civil Service Board's own recollection and interpretation of the evidence that controls its decision.
- d. All testimony shall be under oath. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. All other evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in the courts of Florida. Hearsay evidence may be introduced and used for supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding by the Civil Service Board unless it would be admissible over objections in a civil action. [CSL Section 12 (3)(4)]

15.14 (Continued)

- e. The fact that the Civil Service Board must consider all of the evidence does not mean that the Board must accept all of the evidence as true or accurate. Each Board member should determine the credibility of each witness' testimony and the relative importance of that testimony. In making that decision, a Board member may believe or disbelieve any witness, in whole or in part. The credibility of the evidence, and not the number of witnesses testifying concerning any particular fact in dispute, is controlling.

15.15 Modification or Reduction of Disciplinary Actions Impermissible:

- a. It is not part of the Civil Service Board's function to determine whether the degree or type of action is appropriate. Therefore, the Civil Service Board may not reduce, increase or otherwise modify the action imposed upon the appellant by the Agency Head. If the conduct which occurred establishes a violation of at least one of the Civil Service Rules of the Hillsborough County Civil Service Board, the action taken must be upheld in its entirety. If the conduct which occurred does not establish a violation of the Civil Service Rules of the Hillsborough County Civil Service Board, or if the action taken is found not to be for just cause, the action must be vacated in its entirety and the appellant placed in the same position that he or she would have been in had the action not been taken.
- b. In determining whether or not the conduct which occurred supports the action of the Agency Head, the Civil Service Board shall consider each alleged Rule violation cited on Civil Service Form 5.
- c. In cases where the appellant does not contest the cited violations of the Civil Service Rules or Law, or the Agency's operational or administrative rules and procedures; and, when it becomes apparent that the only relief sought is to reduce the discipline imposed, the Civil Service Board may dismiss the appeal upon filing of an appropriate motion.

15.16 Final Order of the Civil Service Board:

- a. Within ten (10) calendar days of the conclusion of the appeal hearing, the Civil Service Board Director or a member of the Civil Service Board shall issue a Final Order to the affected parties, setting forth its findings, conclusions, and the reasons therefore. The ten day period begins on the day following the conclusion of the appeal hearing. [CSL Section 11(5)]
- b. Except as otherwise provided in CS Rule 15.18 below, the decision(s) of the Civil Service Board in any appeal hearing shall be considered final and binding on all affected parties.

15.17 Remedies:

- a. Except as provided in CS Rule 15.18 below, or as otherwise provided in these rules, a prevailing appellant in an appeal hearing will be entitled to be made whole from any adverse effects of the action imposed. The scope of relief may include; but, may not be limited to:
 - (1) Back pay.
 - (2) Reinstatement of lost benefits.
 - (3) Reinstatement to fringe benefit plans.
 - (4) Retroactive seniority.
- b. In determining relief, the Civil Service Board may take into account mitigating factors such as interim earnings and fringe benefits received, good faith efforts to secure alternative employment, and the reasonableness of request for continuance of hearing dates, and other equitable factors recognized under applicable precedent.
- c. Attorney fees and cost of litigation will not be recoverable by either party to an appeal.

15.18 Administrative Office of the Courts - Hearing to Review Actions of Dismissal, Involuntary Demotion for Cause, or Suspension:

- a. Any employee holding a position within the Administrative Office of the Courts (Court Administrator) which was classified as of January 1, 1998, and which was funded by Hillsborough County Board of County Commissioners, may request a hearing to review such dismissal, involuntary demotion for cause, or suspension. Such a request shall be made as otherwise provided in these rules.
- b. The practice and procedure of the Civil Service Board with respect to a review shall be in accordance with adopted Civil Service Rules. If the Board finds that such Court employee's dismissal, involuntary demotion for cause, or suspension was for a reason other than just cause, it may recommend to the Chief Judge that such employee be restored to that employee's former status. Such recommendation is not binding on the Chief Judge.

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