

Seminole County Sheriff's Office
Civil Service Law

Section 1. There is hereby created a Civil Service Board, hereinafter referred to as the "board," composed of five members to administer the terms of this act which shall apply to all Deputy Sheriffs and employees of the Seminole County Sheriffs Office.

- (1) The board shall consist of five members who shall be appointed or elected for 2 year terms.
 - (a) Two members of the board shall be appointed by the Sheriff.
 - (b) Two members of the board are to be elected by a majority of the employees constituting the classified service as hereafter defined.
 - (c) The four members appointed or elected as provided herein shall select a fifth member on or before the second Tuesday every other year. If three of the four members cannot agree upon a fifth member by the second Tuesday of every other year, the Chairman of the Board of County Commissioners of Seminole County shall be the fifth member.
- (2) The members of the board, except the board which is appointed or elected upon the effective date of this act, shall serve for a period of 2 years beginning the second Tuesday in January of each year. All vacancies on the board shall be filled by the procedure hereinabove set forth.
- (3) A decision of the Civil Service Board must be made by a majority vote of its members.

Section 2. Members of the board shall be 19 years of age or over, of good moral character, a citizen of the United States of America, and a permanent resident of Florida.

Section 3. The Civil Service is hereby divided into the unclassified service and the classified service. The unclassified service shall consist of the position of Office of the Sheriff, persons holding the rank of Captain or above, Crossing Guards, Special Deputies, Reserve Deputies, Executive Assistants, Horticulturist, Horticulturist Assistant, Police Athletic League Coordinator, Programs/Classifications Supervisor, Youth Services Coordinator, Special Projects Coordinator, Programs Coordinator, Employee Relations Manager, Employee Relations Analyst, Public Information Officer, Network Administrator, Database Administrator, Medical Administrator, Planning and Audit Coordinator, Chief Deputy Sheriff, Department Directors, Deputy Directors, Legal Advisor, Training Coordinator, Victim Advocate, Fleet Manager and all other positions hereinafter created within the Seminole County Sheriffs Office unless declared by the board to be classified. The classified service shall include all other positions, officers, classes thereof, or employees now existing in the Office of the Sheriff of Seminole County.

Section 4. The board shall upon its organization elect one member as Chairman and one as Secretary, and they shall perform such duties as provided for in this act. The Chairman of the Civil Service Board shall:

- (1) Conduct each meeting using parliamentary rules of order.
- (2) Schedule appeal hearings as lawfully requested.
- (3) Provide copies to the board members of the written reasons given the employee which formulate the charges sought to be aggrieved.

(4) Oversee the proper administration of this act.

Section 5. The Sheriff shall submit to the board annually, but no later than October 30th of each year, a table of organization and a list of all officers, positions or classes, and the pay scale of each position and class existing in the Office of the Sheriff of Seminole County. The Sheriff shall also submit annually, but no later than October 30th of each year, a certification to the board that the Office of the Sheriff of Seminole County is properly and sufficiently organized and capable of functioning under Civil Service rules as hereafter provided for. When certification of capability has been filed by the Sheriff, the board shall forthwith acknowledge such certification. Thereafter, the certification of capability shall be irrevocable except by subsequent act of the legislature.

Section 6. The Civil Service Board, hereinafter referred to as the board, as a body shall have the power, subject to the minimum requirements of this act, to:

- (1) Adopt and amend rules and regulations for the administration of this act.
- (2) Make investigations concerning the enforcement and effect of this act, and to require observance of its provisions and the rules and regulations made thereunder.
- (3) Hear and determine appeals of complaints respecting the administration of this act.
- (4) Establish and maintain a roster of all employees in the classified service of the Office of the Sheriff showing their position, rank, compensation, benefits, and place of residence.
- (5) Ascertain and record the duties and responsibilities appertaining to all positions in the classified service.
- (6) Except as otherwise provided in this act, formulate and hold competitive tests to determine the qualification of persons who seek initial employment or rank promotion in any classified position and as a result of such tests, establish employment lists of eligibles for the various positions.
- (7) Certify to records of performance and service ratings to be used in determining promotions, the order of layoffs and reemployment, and for other purposes with reference to organization.
- (8) Declare newly created positions to be classified upon consideration and input from the Sheriff.
- (9) Keep any other records as may be necessary for the proper administration of this act.

Section 7. All persons in the employ of the Office of the Sheriff at the time this act becomes operative who have served for a period longer than 6 months in a position and rank in the classified service shall be now under this act, retained as same, without preliminary or performance tests, but shall thereafter be subject in all other respects to the provisions of this act.

Section 8. The minimum standards and qualifications for an original applicant for employment as a Deputy Sheriff or Correctional Officer within the classified service shall be as required by chapter 943, Florida Statutes. Additional standards and qualifications may be adopted by the board for these applicants.

Section 9. The Sheriff shall keep the board informed by periodic reports of the employment needs of the office. The board may employ the services of an assessment center to hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. If such services are not employed, the board shall, as often as required by the necessities of the Office of Sheriff, hold tests for the purpose of establishing lists of eligibles for the various positions in the classified service. Such may be lawfully appointed under this act, other laws of the state, and the rules promulgated by the board and existing prior to the rules promulgated by the board and existing prior to the announcement of the examination. Such rules may set necessary prerequisites to the performance of the duties of the positions for which the examinations are designed.

- (1) Rank promotion tests whether designed by an assessment center or the board shall be competitive and free to all persons examined and appointed under the provisions of the Civil Service Act who have completed their 1 year probationary periods in the classified service of the department. However, a person must have completed 1 year's continuous employment in the rank immediately below the level for which the promotional test is being given before he is eligible to take that test and must have at least 3 years' continuous employment as a sworn officer in the classified service of the department before he is eligible to take the promotional test for Sergeant.
- (2) All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the person examined to perform the duties of the position to which the appointment is to be made. The tests may include examinations for physical fitness and for manual skill. No credit shall be allowed on the examination for service rendered under a temporary appointment. No questions in any test shall relate to religious or political opinions or affiliations. As many tests shall be held as may be necessary to provide eligibles for each position, and to fill all positions held by temporary appointees. From the results of such tests the board shall prepare a list of eligibles for each position consisting of the persons who shall attain such minimum marks as may be fixed for the various parts of the test and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the board, and who may be otherwise lawfully appointed. The eligibles shall take rank upon the list in the order of their relative excellence as determined by the test without reference to priority of the time of the test. The vacancy may be filled with eligibles from the list without reference to priority or rank within the list. The gradings of all tests shall be completed within a reasonable time and in any event not later than 60 days from the date of the test. No list of eligibles for rank promotion shall be valid after 18 months. No list of eligibles for initial hire shall be valid after 1 year.
- (3) Gradings and test papers for each applicant shall be open to his own inspection, and after the list of eligibles is published, the gradings and test papers must be open to members of the department upon request. An applicant must call any error in the gradings of any test to the attention of the board within 14 calendar days after that posting of the eligible list. Provided, however, that if a correction is made, such corrections shall not invalidate any certification or appointment previously made. Notice of the time, place, and general scope of every test and of the duties, pay and experience requisite for all positions for which the test is to be held shall be given by the board to each applicant at least 1 week preceding the test. The notice must be in writing and supplied to the applicant. Notice of promotional tests shall be given as the board may prescribe, but it must be in such a manner as to give actual notice to all those who are eligible to take the particular test.

Section 10. Whenever a vacancy occurs for the position of entry level Deputy Sheriff or Correction Officer or rank promotions in the classified service of the Office of the Sheriff, the Sheriff shall obtain the names and addresses of all persons eligible for appointment thereto, which the board has certified as being eligible for the position wherein the vacancy exists. The Sheriff thereupon shall select and appoint from such list of eligibles the person or persons satisfactory to him to fill such vacancy or vacancies as may occur in the classified service of the Office of Sheriff. If there is no appropriate list of eligibles for the vacant position, the Sheriff may, if he determines that the necessity of adequate law enforcement and operation efficiency so require, appoint a person without reference to an eligibles list to fill the vacant position on a provisional basis. The Sheriff shall immediately inform the board of his actions, Such provisional appointee shall acquire no rights under the system by virtue of said appointment, and said appointment shall terminate immediately when an eligible person is certified to the Sheriff by the board. Acceptance or refusal of a provisional appointment shall not prejudice or in any way affect the standing of the person who is an applicant or who shall become an applicant for permanent appointment.

- (1) No initial appointment in any position in the classified service shall be deemed complete until after the expiration of a period of 1 year's probationary service, during which time the Sheriff may terminate the employment of any person certified and appointed, in his discretion during the probationary service time.
- (2) When a position within the classified service is filled by rank promotion from the classified service the probationary period shall be 6 months and if the services of the person promoted are terminated by the Sheriff during the probationary period, such person shall forthwith be returned to duty in the former rank and pay held by him in the classified service, unless said person's conduct during the promotional probationary period has given grounds for dismissal for cause.
- (3) Any person dismissed during the probationary period shall not be entitled to a hearing before the board.
- (4) Appointments shall be regarded as taking effect upon the date the person appointed reports for duty. A person certified to the Sheriff who does not report for duty at the time so designated, and does not explain his failure to report in writing within 5 days, may be rejected by the Sheriff, who shall forthwith notify the board of the action taken and the reason thereof. The board in its discretion may strike such person's name from all lists of eligibles, provided such person so stricken may be reinstated to the list if such person can satisfy the board that the failure to report in the first instance resulted from good cause. If reinstatement is granted and if the position for which he was certified has been filled, such person must await his regular turn on the list.
- (5) Any position within the unclassified service may be filled by appointment, outside the classified service. Persons so appointed shall be appointed by the Sheriff and shall serve at the pleasure of the Sheriff. However, whenever a person is appointed to an unclassified position from the classified service and persons currently appointed to the unclassified service came from the classified service and the services of the person appointed are terminated by the Sheriff, such person shall forthwith be returned to duty in the former rank and pay or classification and pay as applicable, held by him in the classified service, unless said person's conduct during his service in the unclassified position has given grounds for dismissal for cause.
- (6) This section does not limit the Sheriffs authority to transfer classified personnel within the office or eliminate vacant classified positions.

Section 11. The practice and procedure of the board with respect to any investigation by the board authorized by this act shall be in accordance with rules and regulations to be promulgated by the board, not in conflict with this act, which shall provide for a reasonable notice to all persons affected by orders to be made by the board after such investigation, with the opportunity to be heard either in person or by counsel, and to introduce testimony in their behalf at a hearing, which shall be public, to be held for that purpose. The board, when conducting any investigation or hearing authorized by this act, shall have the power to administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board or any of its members, or on the refusal of a witness to testify on any matter regarding which he may be lawfully interrogated, the county judge of the county in which the person resides, on application of any member of the board, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court of a refusal to testify herein. Each officer who serves such subpoena shall receive the same fees as the Sheriff and each witness who appears in obedience to a subpoena, before the board or a member thereof, shall receive for his or her attendance, fees and mileage provided for witnesses in civil cases in the courts of this state, which shall be audited and paid in the presentation of proper vouchers, approved by any three members of the board. The conduct of the hearing shall provide that:

- (1) The board may receive verbal or written testimony concerning any matter considered relevant by the board and may receive any records including, but not limited to, performance evaluations and disciplinary files.
- (2) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a 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 a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence in accordance with rules established by the board.
- (3) The Sheriff has the burden of proving just cause for the disciplinary action by the preponderance of the evidence.
- (4) The employee has the right to be present, to explain or defend his position, to call witnesses in his own behalf, to be represented by counsel or other representative of choice.
- (5) Either party may cross-examine witnesses called by the other party and offer rebuttal evidence. The board may hear argument from both parties in support of the evidence presented. The Sheriff shall go first and then again after the employee/representative has spoken.
- (6) A decision of the board must be made by a majority vote of its members.
- (7) All disciplinary review proceedings of the board shall be recorded by audio or stenographic means. Rest periods shall be duly noted and there shall be no unrecorded questions or statements by a party or witness. Recordings shall be properly marked and identified before filing.

Section 12. No person shall deceive or obstruct any person in respect to his or her right of test under the

provisions of this act, or falsely mark, grade, estimate or report the test or standing of any person tested herein or aid in so doing; furnish to any person, except in answer to inquiries to the board, any special information for the purpose of either improving or injuring the rating of any such person for appointment of employment. No applicant shall deceive the board for the purpose of improving his chances or prospects for appointment. No person shall solicit orally or by letter and no public officer or employee shall receive or be in any manner concerned in receiving or soliciting any money or valuable things from any officer or employee holding a position in the classified service for any political party or purpose whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this act as a reward or return for personal or partisan political service. No public officer or employee shall by means of threats or coercion induce or attempt to induce any person holding a position in the classified service to resign his position or to take a leave of absence from duty or to waive any rights under this act.

- Section 13. Any person who shall willfully violate any of the provisions of this act, or of the rules of the board, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment for a term not exceeding 6 months, or by both such fine or imprisonment in the discretion of the court.
- Section 14. The Sheriff shall give an immediate report in writing of all appointments, reinstatements, vacancies, absences or other matters affecting the status of any member of the classified service of the performance of duties of members of said classified service. The reports shall be in the manner and form prescribed by the board.
- Section 15. (1) The Sheriff may suspend, terminate from employment with the office or demote any employee within the classified service for any cause which will promote the efficiency of the service.
- (a) Notice of the termination may be in the form of a 30 calendar day suspension without pay, the termination to take effect at the expiration of this suspension period. During the 30-day period of notice, the employee must be given an opportunity for a hearing before the board with all the rights and privileges accorded under Section 11 of this act. All papers filed in the case shall be public records. The board may reinstate the person removed only in case it appears as a result of a proper hearing that the termination was made for reasons other than just cause.
 - (b) For disciplinary purposes, the Sheriff may summarily suspend an employee for a reasonable period not exceeding 172 work hours in the case of classified deputy sheriffs and corrections officers and 160 work hours in the case of classified civilian employees. Every such suspension may be with or without pay, provided however, that the board shall have authority to investigate every suspension which is without pay and if it is found that the Sheriff acted without just cause, it shall have power to restore pay to the employee for such suspended time.
 - (c) The Sheriff may demote any employee. Every such demotion may be with or without a reduction in pay, provided however, that the board shall have authority to investigate every demotion in rank of deputy sheriffs and certified correctional personnel with the exception of captain or above and if it is found that the Sheriff acted without just cause, it shall have power to restore the employee to his previous rank with pay.

- (2) Subject to the foregoing provisions of this section, no person holding a position in the classified service shall be terminated, suspended, or demoted in rank except for just cause upon written charges after an opportunity to be heard in his own defense. Such charges shall be filed by the Sheriff and shall, within 30 calendar days after the filing, be heard, investigated and determined by the board as provided by Section 11 of this act.
- (3) The employee must make a request for hearing in writing to the Civil Service Board Chairman as provided by Civil Service Board rules.
- (4) The board is without authority to hear: transfers, employment actions as they relate to any member of the unclassified service except as they relate to matters addressed in paragraph 5 of section 10, or demotions except as provided herein.
- (5) A reduction in pay as a result of a transfer does not constitute a demotion unless accompanied by a demotion in rank.
- (6) The decision of the board will be final and absolute.

Section 16. It shall be the duty of the authorities having charge of the public buildings of Seminole County to allow the reasonable use of public buildings and rooms for the holding of meetings of the board and any examinations or investigations provided for by this act.

Section 17. It shall be and is hereby made the duty of the Sheriff of Seminole County to provide annually in his budget a reasonable sum of money to enable the board to properly carry out the purposes of this act.

Section 18. The provisions of the act shall be severable and if any of the provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this act that it would have been adopted by the Legislature had such unconstitutional provision not been included therein. The act shall not be held nor construed to create any property rights or any vested interests in any position in the classified service and the right is hereby reserved to repeal, alter or amend this act or any provision thereof at any time.

Section 19. Nothing in this act shall be construed as affecting the budget-making powers of the Board of County Commissioners of Seminole County.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.