

CIVIL SERVICE BOARD
RULES OF PROCEDURE – ADOPTED MARCH 1, 2016

I. ORGANIZATION, DUTIES AND RESPONSIBILITIES

Pursuant to Chapter 70-942, Laws of Florida, amended and restated under Chapter 97-376, (hereinafter referred to as the Act), the Civil Service Board (hereinafter referred to as the “Board”) may promulgate, adopt, and amend rules and regulations it deems necessary for the efficient and effective administration of the Seminole County Sheriff’s Office Civil Service Act. The Board is created under the act to provide certain regulatory, personnel and administrative functions for the Sheriff’s Office Classified Service personnel.

- A. The Board shall be composed of five members, elected or appointed as described below for a period of two years beginning the second Tuesday in January.
1. Two members of the Board shall be appointed by the Sheriff.
 2. Two members of the Board shall be elected by a majority vote of Classified Service employees at an established election.
 - i. All non-probationary Classified Service employees are eligible to vote.
 - ii. Notice of the election shall be posted a minimum of fourteen days prior to the election. The notice shall include explanation of the Civil Service Board and will ask for self-nomination of those interested in servicing.
 - iii. Results will be tabulated by the Human Resources Division and witnessed by the Secretary to the Board and the nominees listed on the ballot, at their option.
 3. The four members shall select a fifth member by majority vote on or before the second Tuesday every other year. If the majority of the members cannot agree on a fifth member, the then Chairman of the Seminole County Board of County Commissioners shall by default be the fifth member.
- B. The Board shall appoint a Chairperson and a Secretary from its members by majority vote, annually at the first meeting of the calendar year. The Secretary shall act as the Vice-Chair and perform duties of the Chair in their absence.
1. The Chairperson shall:
 - i. Conduct each meeting using parliamentary rules of order,
 - ii. Schedule appeal hearings as lawfully requested,
 - iii. Provide copies to the Board of the written reasons given the employee which formulate the charges sought to be aggrieved, and
 - iv. Oversee the proper administration of the act.
 2. The Secretary shall:
 - i. Act as the Vice-Chair and perform duties of the Chairperson in their absence, and
 - ii. Execute through signature official documents on behalf of the Board.

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- C. The Board appoints the Human Resources Director as Administrator to manage the affairs and duties of the Board and maintain records as may be necessary for the proper administration of the act, including:
1. Properly advertising, documenting, and recording all meetings and decisions made by the Board as well as notifying the Board members of meeting dates, times, and locations.
 2. Preparing and distributing agendas and meeting minutes to all Board members.
 3. Maintenance and custody of all official meeting notices, minutes and records.
 4. Coordinating the election of Board members.
 5. Provide administrative support or other duties to the Board as required.
- D. Meetings
1. Meetings shall be held at 100 Bush Blvd, Sanford FL 32773 unless otherwise specified by the Board and all meetings shall be open to the public.
 2. Quorum at any meeting shall be three members.
 3. Decisions of the Board must be made by a majority vote of its members (three affirmative votes).
 4. Silence constitutes an affirmative vote unless a member of the Board states that he is not voting and gives reason.
 5. Any member of the Board shall have the right to have the reason for his dissent from, or protest against, any action of the Board entered in the official minutes.
 6. Regular meetings of the Board shall be proposed annually as needed to accommodate business of the Board. The proposed schedule will be adhered to unless rescheduled by a majority vote of the Board.
 7. Special meetings may be called at any time by the Chairman or Secretary. Except in the case of an emergency, notice of a special meeting shall consist of at least fourteen days personal notice to the members. In case of an emergency, such notice as is reasonable under the circumstance shall be given.
- E. The Board shall require observance of the provisions, rules and regulation of the act and shall make investigations concerning its enforcement and effects.

II. APPEALS OF COMPLAINTS

The Board is designated as the body to hear and determine appeals of complaints respecting the administration of the act.

A. CLASSIFIED SERVICE EMPLOYEE GRIEVANCE PROCEDURE

1. The aggrieved employee must submit to their Division Director, with copy to the Human Resources Director on behalf of the Board, within ten calendar days of occurrence, a written statement as to the particular aspect of the act which the classified service employee feels or has reason to believe has been violated and the remedy sought.

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2. The Division Director will review the grievance and respond to the aggrieved employee, with copy to the Human Resources Director, within ten calendar days of receipt.
3. If the aggrieved employee is dissatisfied with the response, he/she may submit the entire package including the Division Director's response to the Sheriff, with copy to the Human Resources Director, within ten calendar days of the response received by the Division Director.
4. The Sheriff will provide a written response to the aggrieved employee within ten calendar days of receipt, with copy to the Human Resources Director.
5. Should the aggrieved employee be dissatisfied with the Sheriff's response, he/she may request review of the matter by the Board through written notice to the Human Resources Director within ten calendar days of receipt of the Sheriff's response.
 - i. The Board will schedule a hearing as soon as practicable and where possible no later than sixty days of receipt of the written request.
 - ii. The Secretary to the Board will provide notice to the Sheriff and the classified service employee. The notice will also advise the classified service employee to arrange for any and all witnesses to be present or request the Board subpoena witnesses on their behalf.
 - iii. The Board may, at its option, reconvene the hearing or postpone the hearing at the request of the parties involved or by the Board members. Any requests shall be made in writing and submitted to the Board Chairperson for decision.
 - iv. Classified service employees may solicit the services of a representative or attorney at the grievance hearing. The cost of said representative or attorney shall be borne by the employee requesting the hearing.
6. At least four members of the Board must be present to issue a finding in all grievance matters. The finding of the Board will be considered by the Board for further action as they relate to particular aspects of the act. Findings related to operational matters of the Office of the Sheriff are non-binding and shall be submitted to the Sheriff for consideration, however, the Sheriff retains final authority in these matters.

B. CLASSIFIED SERVICE APPLICANT GRIEVANCE PROCEDURE

1. The aggrieved applicant must submit to the Human Resources Director, within ten calendar days of occurrence, a written statement as to the particular aspect of the act which the classified service applicant feels or has reason to believe has been violated and the remedy sought.
2. The Human Resources Director will review the grievance and respond to the aggrieved applicant, with copy to the Board, within ten calendar days of receipt.
3. Should the aggrieved applicant be dissatisfied with the Human Resources Director's response, he/she may request review of the matter by the Board through written notice to the Human Resources Director within ten calendar days of receipt of the response.

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- i. The Board will schedule a hearing as soon as practicable and where possible no later than sixty days of receipt of the written request.
 - ii. The Secretary to the Board will provide notice to the Sheriff and the classified service applicant. The notice will also advise the Classified Service applicant to arrange for any and all witnesses to be present or request the Board subpoena witnesses on their behalf.
 - iii. The Board may, at its option, reconvene the hearing or postpone the hearing at the request of the parties involved or by the Board members. Any requests shall be made in writing and submitted to the Board Chairperson for decision.
 - iv. No applicant shall deceive the Board for the purpose of improving his chances or prospects for appointment.
4. At least four members of the Board must be present to issue a finding in all applicant grievance matters. The finding of the Board will be considered by the Board for further action as they relate to particular aspects of the act. Findings related to operational matters of the Office of the Sheriff are non-binding and shall be submitted to the Sheriff for consideration, however, the Sheriff retains final authority in these matters.

III. INITIAL EMPLOYMENT STANDARDS AND QUALIFICATIONS

The Board recognizes that there is a legal and moral obligation to evaluate an applicant's qualifications with an emphasis on ethics, character and integrity. The Board is responsible for the establishment of standards and to formulate and hold competitive tests to determine the qualifications of persons who seek initial employment in a classified service position, and as a result shall establish a list of those eligible for employment. Initial employment standards (prerequisites) have been designed to ascertain an individual's background and suitability for placement in a position of public trust.

- A. Preliminary Application – In addition to applicable state minimum qualifications, the Board has established minimum hiring requirements and standards for employment.
1. An "Employment Pre-screener", a questionnaire designed to determine adherence to minimum hiring requirements and standards, is completed by every applicant for classified service.
 2. A preliminary application will be deemed to have been received when the applicant has provided a signed and dated Employment Pre-screener with all questions answered and a notarized authorization for release of information (Background Investigation Waiver). Incomplete documents will be rejected and archived.
 3. Applicants who meet the minimum hiring requirements and standards based on the responses to the Employment Pre-screener and preliminary background review will be invited to undergo qualifications tests established for the position sought.

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4. Notification will be provided to applicants who do not meet the minimum hiring requirements and standards and their pre-screener disposition will be marked accordingly.
- B. Qualification Tests – The Board has established pre-employment tests consisting of skill or performance criteria which is job-relevant and impartial. Tests are designed to fairly and equitably assess the qualifications, knowledge, skills and abilities of the applicant to perform the duties of the position. All tests are administered, scored, and evaluated in a uniform manner.
1. Applicants for Deputy Sheriff and Detention Deputy who meet the minimum hiring requirements and standards will be scheduled for qualification testing.
 - i. There are three tests: a physical assessment test (PAT), gun test, and written test administered on the same day in that order. The applicant must pass each test before advancing to the next test area.
 - ii. Applicants who successfully complete all three tests and continue to meet the minimum hiring standards will be placed on a list of eligible candidates for employment consideration.
 - iii. Applicants who fail one section of the four part written test will be invited to retake that section. If the applicant successfully passes the section upon re-take, they will have successfully completed all three tests.
 - iv. Applicants who do not pass all three tests will be provided a one-time opportunity to re-test at the next available testing date.
 - v. Any applicant who is scheduled for testing and does not arrive (or arrives late) to take it will be considered to have failed the test.
 - vi. If the applicant fails to successfully complete all tests at the initial testing date or if opted upon retake they will not be considered further and must wait one year from the date of re-testing to reapply.
 2. Applicants for Communications Division positions (911 operator, Call Taker, or Communications Specialist) who meet the minimum hiring requirements and standards will be scheduled to take a typing test.
 3. Notice to Applicants for scheduled tests will be made in writing and at least one week in advance of the scheduled testing date. The notice will include the time, place and general scope of the tests to be taken and the complete job description reflecting the duties, pay qualifications and experience requisite for the position.
 4. Grading and test papers for each applicant will be open to inspection. Errors can be discussed with the Human Resources Director and if not resolved to the applicants satisfaction can be documented in writing by the applicant to the Board within fourteen days after the posting of the eligible list. If a correction is

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made, such corrections shall not invalidate any certification or appointment previously made.

- C. Application - Applicants who meet the minimum hiring requirements and standards based on the Preliminary Application process and who successfully pass all Qualifications Tests will be invited to apply by completing an Application.
1. Upon receipt, the application will be reviewed for completeness and minimum hiring standards, with any violations or potential violations noted.
 2. Applicants who possess all minimum qualifications and required credentials of the job description will be included on a list, with testing scores reflected, for presentation to the Civil Service Board for consideration and approval as those eligible by classified position.
 3. Applications found to be inadequate or incomplete will be rejected and archived as such with notification to applicant.
 4. Applicants who do not meet the minimum hiring standards or qualifications and required credentials of the job description will be notified and their application disposition will be marked as such.
- D. Eligibility Lists – The Board is required to maintain lists of eligible applicants for each position consisting of the persons who have met the minimum requirements, standards and test marks as established by the Board and who have been found to meet the minimum qualifications and required credentials of the classified position as enumerated in the job description. The eligibility list by classified position will be certified by the Board and provided to the Sheriff for selection of those applicants satisfactory to the Sheriff to fill vacancies within the classified serve of the Office of the Sheriff.
1. The eligibility lists will be compiled by the Human Resources Division and presented to the Board for certification. List presented will include test scores obtained by individual reflecting the order of relative excellence.
 2. The date of certification will become the applicant's eligibility date from which the applicant will retain eligibility for one year.
 3. Applicants who are certified for eligibility and become active members of the reserve unit or are current employees of the Sheriff's Office will retain eligibility for 2 years from their eligibility date.
 4. Upon expiration of an applicant's eligibility date, applicants wishing to seek employment must requalify through the then active civil service procedures.
 5. The Sheriff may fill vacancies from the eligible list for the classified position where a vacancy occurs without reference to priority or rank within the list.
 - i. Re-employment of former employees (including retirees) is at the option of the Sheriff. Those former employees seeking re-employment must meet the eligibility requirements established by the Board and must comply with rules and regulations of the Florida Retirement System.

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- a. Civil Service requirements may be waived for former employees who wish to be reinstated if they reapply within six months after their separation date from the same classified position vacated.
 - b. Former employees who reapply six months or more after their separation date shall be required to meet all Civil Service requirements.
- ii. Appointments by the Sheriff to a classified position shall take effect upon the date the person reports to duty. Sheriff may terminate, at his discretion, the employment of any person certified and appointed to any classified position during the one year probationary service period. The probationary period for an initial hire is tolled if written notice is provided to the Sheriff, prior to the expiration of the probationary period, which negatively reflects upon the employee so as to allow the Sheriff and the employee full time for consideration, provided the tolled period does not extend beyond 30 days from the date of written notice to the Sheriff by the employee's supervisor. Any person dismissed during the probationary period shall not be entitled to a hearing before the Board.
 - iii. If there is no eligible list for a vacant position, the Sheriff may appoint a person on a provisional basis if the Sheriff determines that the necessity of adequate law enforcement and operational efficiency requires such appointment. The Sheriff will provide notification to the Board upon appointment and the appointment will terminate upon Board certification of an eligible list for the appointed classified position.
 - iv. Any unclassified service position may be filled by appointment by the Sheriff and shall serve at the pleasure of the Sheriff. Classified service members appointed to serve in an unclassified service position shall be returned to duty in the former rank and pay, or classification and pay, if service in the unclassified position is terminate by the Sheriff for reasons other than dismissal for cause.
 - v. The Sheriff has full authority to transfer classified service personnel within the office or eliminate vacant classified positions.

IV. RANK PROMOTION WITHIN THE CLASSIFIED SERVICE

The Board recognizes that the promotional process is of vital importance for the selection of leadership in command of the Sheriff's Office. The Board is responsible for the establishment of standards and to formulate and hold competitive tests to determine the qualifications of persons who seek rank promotion in a classified service position, and as a result shall establish a list of those eligible for appointment. Rank promotion tests shall be free to all persons examined and shall provide a fair and equitable means for advancement for all employees who participate. The eligibility list by rank will be certified by the Board and provided to the Sheriff for selection of those applicants satisfactory to the Sheriff to fill rank promotional vacancies within the classified serve of the Office of the Sheriff.

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- A. The Board shall cause the Human Resources Director to provide notice of promotional testing for rank promotion to all those who are eligible to take the particular test.
 - 1. Notice will be made via email delivery to all persons currently employed at the time notice is given.
 - 2. The announcement will specify the position, title, minimum qualifications for eligibility, manner of making application and applicable instructions, closing date for receipt of the application, general elements of the promotional process, and other pertinent information.
- B. Eligibility for Testing – Non-probationary classified service employee who has completed one year of continuous employment prior to the application closing date in the rank immediately below the level for which the promotional test is being given. Employees testing for Sergeant must have at least three years continuous employment as a sworn deputy or certified detention deputy before taking the promotional test for applicable Sergeant.
- C. Persons re-employed with the classified service shall not have counted their prior service or status of rank held during initial employment, but shall be considered as a new hire for the purpose of eligibility to seek promotion within the classified service.
- D. Testing instruments selected for use in evaluating promotional potential will relate specifically to the duties and responsibilities or the class for which candidates are testing. The process includes:
 - 1. Multiple choice Examination (Sergeant only)
 - 2. Written Problem Solving Exercise
 - 3. Presentations
- E. The eligibility lists will be compiled by the Human Resources Division and presented to the Board for certification.
 - 1. Lists presented will include all candidates who successfully completed all phases of the process and their test scores reflecting the order of relative excellence as determined by cumulative score of all tests administered.
 - 2. The date of certification will become the rank eligibility date from which the applicant will retain eligibility for the lessor of eighteen months or the date of the next certified list for the same.
 - 3. Applicants on the list may retest in an effort to retain eligibility through the then active civil service procedures.
 - 4. Applicants who did not successfully complete the promotional process may re-apply during the next scheduled process without prejudice.

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- F. The Sheriff has the sole authority to promote employees to fill vacancies from the eligible list without reference to priority or rank within the list.
1. Promotion shall take effect upon the effective date of appointment by the Sheriff. Employees appointed to promotional positions are placed on probation for six months, which may be extended by the Sheriff.
 2. Sheriff may terminate, at his discretion, the promotional appointment without cause at any time during the probationary service period. At which time, the employee will be returned to duty in the former rank and pay held in the classified service and shall not be entitled to a hearing before the Board.
 3. If there is no eligible list for a vacant position of rank, the Sheriff may appoint a person on a provisional basis if the Sheriff determines that the necessity of adequate law enforcement and operational efficiency requires such appointment. The Sheriff will provide notification to the Board upon appointment and the appointment will terminate upon Board certification of an eligible list for the appointed classified position.
 4. The Sheriff has full authority to transfer classified service personnel within the office or eliminate vacant classified positions.

V. HEARINGS ON TERMINATIONS, SUSPENSIONS, OR DEMOTION ACTIONS

The Sheriff may terminate from employment with the office, suspend, or demote any employee within the classified service for any cause which will promote the efficiency of the service. The notice of discipline from the Sheriff and presented to the affected employee shall specify the violations which serve as the basis for the disciplinary action taken. The Board has the authority to investigate qualifying actions by conducting a hearing to determine by the preponderance of the evidence if the Sheriff had just cause to take disciplinary action.

- A. A classified service employee, who has completed their probationary period, may request a hearing before the Board in the following matters.
1. Suspension without pay.
 2. Termination from employment.
 3. Demotion in rank, with the exception of Captain or above, of a deputy sheriff or certified correctional deputy.
- B. An unclassified service employee, originally appointed from the classified service, who is terminated or demoted by the Sheriff, and is not returned to duty in the former rank and pay, or classification and pay, held in the classified service may request a hearing before the Board.
- C. The Board does not have authority to hold hearings on transfer actions or demotion actions except as provided herein. A reduction in pay as a result of a transfer does not constitute a demotion unless accompanied by a demotion in rank.

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- D. An employee wishing to contest the disciplinary action must request a hearing, in writing, postmarked or hand delivered to the Chairman or Secretary within ten calendar days from the date notice of discipline is provided to the employee. The Director of Human Resources for the Sheriff, as Administrator to the Board is hereby designated to receive any request for hearing on behalf of the Board and notify the Board of said request receipt.
1. The Administrator to the Board will schedule a hearing as soon as practicable and where possible not later than sixty days of receipt of the written request.
 2. The Administrator to the Board will provide notice to the Sheriff and the classified service employee setting forth the date, time, and location of the hearing. The notice will also advise the employee to arrange for any and all witnesses to be present or request the Board subpoena witnesses on their behalf. The employee may request continuance of the hearing, which may be granted for good cause.
 3. Classified service employees may solicit the services of a representative or attorney at the hearing. The cost of said representative or attorney shall be borne by the employee requesting the hearing.
 4. A list of witnesses by both Sheriff's representative and the employee must be provided to the Board and to the other party no later than twenty calendar days prior to the scheduled date of the hearing.
 5. The Administrator to the Board shall provide copies to the Board members of the written reasons given to the employee which formulate the charges sought to be aggrieved.
 6. The Board may, at its option, reconvene the hearing or postpone the hearing at the request of either party involved or by the Board members. Any requests shall be made in writing and submitted to the Board Chairperson for decision.
- E. Procedures at Hearing
1. Hearings shall be held at 100 Bush Blvd, Sanford FL 32773 unless otherwise specified by the Board and all hearings shall be open to the public.
 2. All proceedings 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.
 3. Opening statements may be made by each party or their representative. The Sheriff will proceed first.
 4. The Sheriff shall have the burden of proof in establishing just cause for his actions. Just cause shall be shown by a preponderance of evidence.
 5. The Board may receive verbal or written testimony or evidence concerning any matter considered relevant by the Board and may receive any records considered relevant by the Board.

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6. Irrelevant, immaterial, or unduly repetitious testimony or 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.
 7. 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.
 8. The Board may question witnesses during the hearing.
 9. At the conclusion of the evidence presented by both parties, each party will be permitted to give a closing summation. The Sheriff shall present his initial summation first and may present a rebuttal summation after the employee has presented his summation, but each will be given equal total time.
 10. At least four members of the Board must be present to issue a determination at a hearing.
- F. If the employee or authorized representative fails to appear without good excuse or cause or permission at the time set for the hearing, the Board may either dismiss the appeal, with prejudice, or it can review the appeal record, hear the evidence presented, and render its decision thereon.
- G. The decision of the Board is final and binding upon the Sheriff. If the Board determines the Sheriff acted for reasons other than just cause, the Board has the power to:
1. Termination – reinstate the employee to employment in the classified position.
 2. Suspension – restore pay to the employee for such suspended time.
 3. Demotion – restore the employee to his previous rank with pay.
- H. The Board shall render a written decision within fifteen calendar days after the hearing. A copy of said decision shall be made part of the employee's permanent personnel file.

ADOPTED: _____

CHAIRPERSON: _____

SECRETARY: _____