

RESOLUTION NO. 92-258

A RESOLUTION APPROVING THE CIVIL SERVICE  
RULES AND REGULATIONS OF THE CITY OF LAUD-  
ERHILL.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF LAUDERHILL,  
FLORIDA:

Section 1. The Civil Service Rules and Regulations are hereby approved and  
shall read as follows:

CIVIL SERVICE RULES AND REGULATIONS

Sec. 1. Purpose

It shall be the intent of these Rules and Regulations to provide regular City em-  
ployees and candidates for full time City employment with an established procedure for  
employment applications and promotions, and for appeal of decisions which are con-  
trary to the provisions provided herein. Collective Bargaining Agreements and the Code  
of Ordinances covering any section contained in these Rules and Regulations shall su-  
persede the provisions provided for herein.

Employee benefits and evaluations are not covered by these Rules and Regula-  
tions. These matters are provided for in other City documents (i.e., Collective Bargain-  
ing Agreement, City Ordinance, City Resolution or Administrative Policy).

It is not the intent of these Rules and Regulations to restrict employees from ex-  
ercising their appeal rights to the Civil Service Board as provided for by these other City  
documents.

Sec. 2. Definitions

*Allocate* shall mean the act of assigning each position to its proper class.

*Budgeted Position* shall mean any position which is so designated by the budget,  
whether vacant or filled.

*Certify* shall mean the act of the Personnel Director supplying a Department Di-  
rector with the names of applicants who are eligible for consideration by that Depart-  
ment Director for appointment to the class and positions in the classified service for  
which certification is requested.

*Class* shall mean a position or group of positions having similar duties and re-  
sponsibilities, requiring similar qualifications, and which carry the same salary range.

*Continuous Service* shall mean employment in the classified service which is un-  
interrupted, except for authorized leave of absence, suspension, or separation due to  
lay-off without pay for less than thirty (30) days.

*Demotion* shall mean the assignment of an employee to a position in a lower  
class having a lower maximum salary than the class from which the assignment is

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made.

*Eligible* shall mean a person listed on an active eligible list.

*Eligible List* shall mean an employment list, promotional list, re-employment list, or reinstatement list.

*Employment List* shall mean a list of persons who have been found qualified for consideration for appointment to a position in a particular class.

*Evidentiary Hearing* shall mean a public hearing held before the Civil Service Board after public notice.

*Open Competitive Examination* shall mean an examination which is open to all persons, whether employed by the City or not, who meet the qualifications and comply with the prescribed requirements for admission thereto.

*Open Continuous Competitive Examination* shall mean an examination, assembled or unassembled, for which applications are accepted on a continuing basis and for which examinations are given on a continuing periodic basis, as needed to meet the needs of the classified service. Successful examinees' names are inserted into the existing eligibility list.

*Position* shall mean a group of duties and responsibilities assigned to one person or job.

*Probationary Employee* as defined by Civil Service Ordinance, Section 2-31.

*Promotion* shall mean the assignment of an employee to a position in a higher class with a higher maximum salary.

*Promotional Examination* shall mean an examination or group of examinations or review without written examination for a position in a certain class, admission to which is limited to existing employees in the classified service, who hold regular positions.

*Promotional List* shall mean a list of persons who have been found qualified for consideration for promotion to a position in a particular class.

*Provisional Employee* shall mean any employee filling a position in the classified service without competition, pending the establishment of an eligible list.

*Recruitment Written Without Examination* shall mean a review of applications to determine minimum qualifications for a position which may be open competitive or promotional.

*Regular Employee* as defined by the Civil Service Ordinance, Section 2-31.

*Status* shall mean a condition acquired by an employee when given rights in a class in the manner the rules set forth.

*Substitute Employee* shall mean an employee hired to fill a temporary vacancy created by an employee who is out of work due to an on-the-job injury.

*Temporary Employee* shall mean an employee holding a position other than regular, except as provided in the Rules, which is of a temporary, seasonal, casual, or emergency nature.

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*Temporary Position* shall mean all positions that are not designated regular.  
*Vacancy* shall mean a position, existing or newly created, which is not occupied  
.. and for which funds are available, and for the filling of which a valid requisition has been  
received by the Personnel Director.

**Sec. 3. Applications.**

**A. Announcement of Examination - Recruitment Without Written Examination**  
Public notice of entrance examinations or recruitment without written examination shall be given at least one (1) week in advance by publication in at least one (1) daily newspaper of general circulation in the City and by posting an announcement on the City Hall bulletin board and in such other places and such other manner as the Personnel Director deems advisable. Promotional announcements need only to be posted on City bulletin boards in departments involved. Recruitment Without Written Examination shall be based upon review of employment applications and documents submitted therewith.

**B. Filing of Application**

All applicants for positions in the classified service must file written application on the form prescribed by the Personnel Director with approval of the Mayor within the time limit fixed in the announcement. Defective applications may be returned to the applicant with a notice to amend same. Amendments or corrections must be made within the time limit fixed by the Personnel Director. Voluntary amendment or corrections at the initiative of the employee/candidate may be made at any time up to the closing date posted in the announcement for said position.

**C. Citizenship.**

All applicants must be citizens of the United States or have proper working documents in compliance with Federal and State laws.

**D. Residence.**

There shall be no requirement of residence for filing an application for a position in the City. An applicant for initial employment with the City who is currently a resident of the City of Lauderhill and whose residence has been continuous for at least one (1) year, and who presents satisfactory proof before the announced closing date, and who receives a passing grade on a written examination, shall have two (2) additional points added to their score.

**D. Minimum Qualifications.**

The Personnel Director, after consultation with the Department Directors concerned, may prescribe such specific requirements, physical or other-

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wise, as the Director's judgment are required by the nature of the work to be performed. Such requirements shall be shown in the announcement.

**E. Rejection of Application.**

The Personnel Director shall have the right to reject any application or applicant where upon determination that:

1. The application was not filed within the period specified in the announcement or was not filed on the prescribed form.
2. The applicant lacks the required qualifications set forth in the announcement.
3. The applicant is addicted to the habitual use of drugs or intoxicating liquor or fails to pass a post-offer drug or alcohol test.
4. The applicant has made a false statement of a material fact or practice, or attempted to practice any fraud or deception in his application or test.
5. The applicant was previously in the City service and removed for cause or resigned in poor standing.
6. The applicant, after notification, did not promptly appear at the time and place designated for the examination.
7. The applicant has a work performance record not consistent with the standards expected of a City employee. (i.e., large amount of unscheduled leave, tardiness, disciplinary problems, and/or poor evaluations.)
8. The applicant has previously been convicted of a crime or first degree misdemeanor or other misdemeanor relevant to the position sought.
9. The Personnel Director shall determine physical qualifications for the specific employment applied for based upon standards as prescribed in the Americans with Disabilities Act.

**G. Veterans Preference**

1. In certification for appointment, reinstatement, re-employment, and retention in position, the rights of veterans, as specified in Florida or Federal Statutes, along with any future amendments thereto, shall apply to the City.
2. All persons seeking to qualify for a veteran's preference hereunder shall present such documentary proof as may be necessary to establish the preference to which applicant may be entitled by the announced closing date. In the case of applicants for non-classified service or non-competitive positions, documentary proof must be provided at the time of making formal application for such position. Originals or photostats of papers must be presented to verify service time and sep-



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aration status. Recent statements from the Veterans Administration (i.e., statement shall not be more than six (6) months old) must be presented to verify the amount of service-connected disability which will be processed in compliance with the Americans with Disabilities Act.

**Sec. 4. Recruitment**

**A. Recruitment by Examination.**

All appointments in the classified service shall be made according to merit and fitness. All examinations shall be impartial and not discriminatory and shall relate to those matters which will test fairly the applicant's capacity and fitness to discharge efficiently the duties of the position to be filled. The score of an examination is a measure of achievement rather than an unerring forecast of success or failure and serves as one factor of several in the selection process. Examinations may be open-competitive, open continuous competitive, promotional competitive, and assembled or non-assembled, and may include a written, oral, physical, and performance test, or any combination of these.

**B. Postponement and Cancellation of Examination.**

Any examination may be postponed or cancelled at the discretion of the Personnel Director who shall also notify the Mayor and Department Heads involved. Each applicant shall be notified of the postponement or cancellation.

**C. Identity of Examinees Concealed.**

The identity of all persons taking a competitive written test shall be concealed from the examiners by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until all test papers have been rated. Test results of individuals are not subject to public review. Oral panels shall not be taped.

**D. Scoring Examination.**

Appropriate scientific techniques and procedures shall be used in scoring the results of the examination and in determining the relative ratings of the competitors. Final examination grades shall be expressed on a scale of 100 for maximum possible attainment. The normally required passing grade shall be 70. Veterans preference credit shall be in addition to the above. (The final scores of successful competitors who have attained a passing score of 70 or above shall be rounded off to whole numbers according to the following: .50 and above, the next highest score; below .50, the next lower score; (i.e., 81.51 = 82, 81.49 = 81.)

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**E. Notification of Results.**

Each applicant taking an examination shall be given written notice of the results thereof.

**F. Inspection of Papers.**

Any applicant shall have the right to make one personal inspection of his examination papers within one month from the date of establishment of the list. A manifest error in rating a test or test procedure shall be corrected if called to the attention of the Personnel Director within the inspection period. Such corrections shall not invalidate any appointment previously made from such list. The written tests themselves are not subject to inspection.

**G. Promotional Opportunities.**

Vacancies in higher positions in the classified service shall be filled by the promotion of employees in the service whenever, in the judgment of the Mayor and Department Director, it is in the best interest of the City to do so. When the determination is made that there is a vacancy which will be filled by a promotion, the Personnel Director, after consultation with Department Director Involved, shall designate the class(es) and department(s) from which promotion is to be made and shall establish the required period of service in these classes which shall not be less than six (6) continuous months. The Rule of Three Scores will prevail when a scoring procedure is used. All promotional opportunities shall be publicized at least one (1) week by posting announcements on a bulletin board in the City Hall and such other places and in such other manner as the Personnel Director deems advisable. Copies of all such announcements shall be furnished to the Mayor and Department(s) affected.

**H.** In the event the Personnel Director finds that the number of candidates qualified to compete in an examination is five or less, the Director, without further examination may declare all candidates eligible to be certifiable for consideration for an appointment or promotion provided all have met minimum qualifications for the position. The Rule of Three Scores shall not apply.

**I. Non-Assembled Examination.**

1. Whenever the Personnel Director determines that possible applicants are not available in sufficient numbers to hold assembled examinations, the Personnel Director may authorize examinations for such classes on a continuous non-assembled basis.
2. The names of successful applicants shall be placed on the appropriate eligible list in order of their relative grade on the exam.
3. A person who competes in or is disqualified from a non-assembled ex-

amination for a particular class is eligible to compete in another examination for the same class after an elapsed time as determined by the Personnel Director.

J. Recruitment Without Written Examination (RWWE).

A list of qualified candidates may be established for a position without written examinations where it is determined that an examination could be discriminatory and/or where it is determined to be in the best interest of the City and the applicants. RWWE shall only be done by a review of applications by the Personnel Director. The Personnel Director shall certify the top qualified candidates. The candidates shall not receive a score, as no written examination has been given. Relative training, experience, and work performance shall all be considered in certifying a list of qualified candidates in the RWWE procedures.

K. Entry Level Applicants.

Applications or Job Interest cards for entry level positions such as Maintenance Workers, Recreation Aides, etc., may be received in an open continuous manner and placed in chronological dated and/or job related experience order for referral to Department Directors for consideration and interviews as vacancies occur.

Sec. 5. Appointments

A. Procedures for Filling Vacancies.

When a vacancy is to be filled in the classified service, it shall be filled by original appointment, promotional appointment, provisional appointment, substitute appointment, temporary appointment, re-employment, reinstatement, transfer, or demotion.

B. Priority Lists.

Certification shall be made from existing lists in the following order of preference:

1. Re-employment lists.
2. Promotional lists.
3. Employment lists.
4. Reinstatement lists.

Reinstatement lists may rank before or after employment lists at time of certification by specific request of the appointing authority.

C. Certification From the List.

On request to fill a vacancy approved by the Mayor, the Personnel Director shall certify to the requesting Department Director the names of those eligible who most qualify on the list for the class for interviews.

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The Rule of Three Scores will prevail for promotional opportunities provided the eligibles on the list have indicated a willingness to serve and have the minimum qualifications as determined by the job description and announcement. The Rule of Three Scores provides that the names associated with the three highest scores shall be certified to a vacancy; three additional names shall be certified for each additional vacancy to be certified based upon next highest score achieved, provided, however, that a fewer number may be certified where there is not the required number on the list and the Department Director consents. The Department Director shall interview and select from the eligibles so certified the number of persons required for the vacancies to be filled and recommend to the Mayor that they be appointed.

**D. Notice of Certification to the Eligible Person.**

Upon certification, an eligible person shall be notified in writing. The notice shall state the time and place within which the applicant, if eligible, must report for the interview.

**E. Waiver of Certification.**

Eligibles may waive certification upon filing reasons satisfactory to the Personnel Director. Failure to execute a satisfactory waiver or to report for interview within the time indicated shall be deemed sufficient cause for removing the name of such eligible from the list.

**F. Provisional Appointment.**

Whenever there is an urgent reason for filling a regular position in a class for which appropriate lists or desired number of eligibles are not available, the Mayor may authorize the vacancy be filled by a provisional appointment. Provisional appointments shall be terminated at such time as the required certification and appointment can be made from a list and shall be for not longer than four (4) months. An appointment in excess of four (4) months shall be approved by the Board. A provisional employee is an employee at-will and may be terminated by the City at any time. No charges are required or appeal is permitted. The provisional employee shall receive the current pay scale but shall not accrue or receive any benefits or seniority.

**G. Temporary Appointment.**

A temporary appointment may be made to a person whose employment is expected to be of seasonal nature or whose services are required for a special job or project and when it is expected that the services of such person will be no longer necessary at the close of the season or upon completion of that special job or project for which appointed, or for special circumstances of limited duration. A temporary appointment may also be made to fill a vacancy resulting from a regular employee on authorized leave of absence.

Such appointment shall be made from the appropriate lists insofar as practicable. The acceptance of a temporary appointment shall not affect that person's standing on any eligible list. A temporary employee is an employee at-will and may be terminated by the City at any time. No charges are required or appeal is permitted. The temporary employee shall receive the current pay scale but shall not accrue or receive any benefits or seniority.

H. Substitute Employee.

An employee who may be hired to fill a temporary vacancy created by an employee who is out of work due to an on-the-job injury. Such employee is on an at-will status and may be terminated by the City at any time. No charges are required and no appeal is permitted. A substitute employee shall receive and/or accrue benefits generally applicable to City employees of that class and shall also receive insurance benefits the first of the month following three (3) months. In the event this employee is offered a budgeted vacant position, time served as a substitute employee shall be credited towards their probationary period and towards seniority.

I. Emergency Appointment.

An emergency appointment may be made by the Mayor for an emergency which threatens life, property, or the general welfare of the City. Such appointments shall continue only during the period of such emergency and shall not continue longer than thirty (30) calendar days.

J. Acting Appointment.

Whenever there is a vacancy because of promotion, termination of employment, or the result of an authorized leave of absence, the Mayor may fill the vacancy by acting appointment for such time as to allow for effective recruitment or promotional procedure. During the employee's acting appointment, the employee shall continue to accrue all benefits in accordance with the employee's regular position. However, if the employee shall be promoted to the position in which he or she has been acting, benefits shall accrue in accordance with the promoted position retroactive to the time of the employee's acting appointment.

K. Reinstatement.

Any regular employee who has resigned in good standing may, within one year from the effective date of said resignation, file a written request for reinstatement, and with the approval of the Department Director and the Mayor, be reinstated to a vacancy, provided there are no regular employees who have been laid off whose names appear on the re-employment list for the class. Such reinstated employee shall be treated as a new entrant, although entrance examination requirement may be waived. All personnel

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must pass medical examination and drug/alcohol tests and fire combat personnel also must pass additional medical and physical agility tests.

**L. Transfer.**

An employee may be transferred from another position of the same class or similar class with essentially the same basic qualifications. Transfers must be approved by the Department Director(s) involved and the Mayor.

**M. Demotion.**

1. A position may be filled by the demotion of a regular employee.
2. An employee may request to be demoted, said request requiring the approval of the Mayor and the Department Director. The demoted employee shall be entitled to determination of status based upon that employee's original date of full time employment.

**N. Probationary Period.**

The probationary period shall be regarded as an integral part of the examination process and shall be utilized for closely observing the employee's work, for securing the effective adjustment of the new employee to the position, and for rejecting any employee whose performance does not meet the required work standards. The probationary employee shall be informed of an "at-will" status which allows the City to release the employee any time during this status without explanation. All appointments shall be probationary and, except for those positions filled through promotions, are subject to a probationary period after appointment of six (6) months for all general employees and as prescribed in the bargaining unit agreement for firefighters. The promotional probationary period shall be three (3) months for all employees except Fire Officers, which shall be one (1) year. At any time during the probationary period, the Department Director may remove an employee whose performance does not meet required work standards, provided that Director shall notify the employee and receive approval from the Mayor. If an employee promoted to a higher class as a result of appointment from a promotional list is found unsuited for the work of the class during the probationary period, the employee shall be reinstated to a vacant position in the class from which the employee was promoted. If no vacancy exists, the Mayor shall offer the employee either a vacant position in a class similar to the one from which the employee was promoted or the opportunity to bump the most recently hired employee in the class from which the employee was promoted.

**O. Medical Examination.**

All applicants for positions in the City shall be required to undergo a medical examination and drug and alcohol screening tests in compliance with the



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ADA to determine their physical and mental fitness to perform work in the position to which the appointment is to be made.

**Sec. 6. Eligibility**

**A. Establishment of Eligibility List.**

The Personnel Director shall establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the service. Each such list shall contain the names of those persons who are deemed to be qualified by virtue of the examination or RWWE process to perform the duties required in the specific class.

**B. Duration of Lists.**

The duration of each eligible list shall be determined by the Personnel Director and shall be no more than one (1) year. The Personnel Director, after consulting with the Department Director and the Mayor, may extend such period. No list shall be extended to a time more than one (1) additional year from the original establishment thereof.

**C. Re-employment Lists.**

A regular employee who has been involuntarily separated from the City service without fault or delinquency on the employee's part, shall have their name placed on a re-employment list for the last class of position held at the time of separation up to one (1) year from the date of separation.

**D. Removal of Names from Lists.**

The Personnel Director may remove the name of an eligible for any one of the following causes:

1. At the request of the eligible.
2. Failure to respond to notice to appear for interview within the time limited to such notice.
3. Failure to notify Personnel Director of change of address.
4. Failure to accept appointment.
5. Appointment to a regular position through certification from a list for another class at the same or higher salary.
6. Upon separation, other than layoff, from the City service.
7. In any case where the Personnel Director finds that the eligible person has become disqualified for the class for which the eligible person is listed in accordance with these rules and regulations.
8. When an eligible person has been interviewed twice and not selected.
9. If the person is determined physically unable to perform the requirements of the position or fails a drug and alcohol test pursuant to the ADA.

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**E. Restoration of Names to Eligible List.**

Whenever any person's name is removed from an eligible list for any one or more of the causes mentioned in the preceding section, the person shall immediately be notified thereof, in writing, unless the person's whereabouts are unknown. The Personnel Director shall set forth the reasons for the removal of the name from the list. Such person may, within five (5) days from the date of notice of removal, make a written request to the Personnel Director for restoration of the person's name to such a list for the duration of eligibility. The Personnel Director may restore the name to the eligible list or may refuse such request. Reasons shall be specified and the person shall be notified in writing of the decision.

**F. Merging of Lists.**

Whenever, in the opinion of the Personnel Director, it is desirable to hold a subsequent examination while an eligible list of five (5) or less exists, the Personnel Director may merge the two lists according to scores. All persons whose names appear on the existing list shall have the opportunity to compete in the second examination to improve their score. Any person on such existing list who takes the second examination shall be given standing on the merged lists according to the higher grade received on either exam. The Personnel Director may also merge RWWE lists.

**Sec. 7. Rights of Appeal**

**A. Violation of These Rules and Regulations.**

Any regular employee who claims that the Employment Code, including the provisions set forth in this resolution, is improperly applied or misinterpreted to the employee's detriment, and who has exhausted administrative remedies including a final decision by the Mayor, may appeal to the Civil Service Board within fifteen (15) calendar days after such final action is taken. Upon such appeal, the Department Director and the appealing employee shall have the right to be heard and to present evidence. At the hearing of such appeal, technical rules of evidence should not apply, except as provided in the Civil Service Ordinance. The Civil Service Board shall have power to administer oaths and subpoena witnesses and compel the presentation of books and papers pertinent to the appeal. The Civil Service Board shall make the final decision disposing of the appeal.

**B. Violation of Other City Rules and Regulations.**

Any City employee who claims that City rules or regulations, other than those provided under these Civil Service Rules and Regulations, are improperly applied or misinterpreted to the employee's detriment may appeal

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to the Civil Service Board within fifteen (15) calendar days after such final action is taken, provided such appeal provision is explicitly written in the rules which have allegedly been violated (i.e., Collective Bargaining Contract). Such appeal must specifically state rule and applicable section.

**Sec. 8. The Classification Plan**

**A. Purpose.**

The Classification Plan provides a complete inventory of all positions in the City's Civil Service System and accurately describes and specifies each class of employment. The plan standardized titles, each of which is indicative of a definite range of duties and responsibilities, and has the same meaning throughout the city.

**B. Composition of the Classification Plan.**

The Classification Plan consists of:

1. Classes of positions which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility. They require similar experience and training at time of recruitment and may be compensated from within the same range of pay under similar working conditions.
2. Class titles which are descriptive of the work performed and which identify each class.
3. Written job descriptions for each class of positions which contain a description of the nature of the work and of the relative responsibility of the positions in the class.
4. An allocation list showing the class title of each position in the City Civil Service System, as identified by the name of the employee holding that position.

**C. Class Title.**

Class title shall be used in all personnel, accounting, budget, appropriations, and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the Classification Plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes.

**D. Job Descriptions.**

Job Descriptions are to be interpreted in their entirety and in relation to others in the Classification Plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Job descriptions are deemed to be descriptive and explanatory of the kind of work performed

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and not necessarily inclusive of all duties performed. Essential functions will be highlighted.

E. Maintenance of the Classification Plan.

The Personnel Director is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect the duties being performed by each employee in the City Service and the class to which each position is allocated on a current basis. The Personnel Director shall periodically review the classification of positions and, upon the basis of said Director's investigation, shall recommend to the Mayor appropriate and necessary amendments to the Classification Plan in the form of new classes, revisions of existing classes, and the abolition of classes no longer required in the plan. Such recommended amendments shall be effective when approved by the City Commission. Minor changes of a job description or those necessitated by Federal, State, County or City law may be effectuated by the Personnel Director with approval of the Mayor.

Sec. 9. Disciplinary Action

A. Suspension

After communication with the Personnel Director, the Department Director may, for disciplinary purposes, conduct a pre-suspension hearing and suspend a regular employee without pay, for cause, for such length of time as that Department Director considers appropriate. The affected employee must be given a written statement by the employee's supervisor citing the specific sections of the Employment Code alleged to have been violated, the one or more acts of violation, the date of the pre-suspension hearing before the Department Director, and stating the employee's right to bring a representative to said hearing. The representative must be an official of the employee's bargaining unit or an attorney. Such employee may continue working or be suspended with pay pending the pre-suspension hearing as determined by the Department Director. A written statement of the reason(s) for suspension shall be submitted by the Department Director to the employee affected, such statement to be submitted within twenty-four (24) hours of the time the suspension become effective, excluding Saturdays, Sundays or general holidays.

Although suspensions may be based on other causes, those "causes" set forth in Section 2 of this Rule, pertaining to dismissal, shall be sufficient for suspension. Depending on severity of the cause, efforts should be made to first invoke progressive discipline, i.e., verbal reprimand, written reprimand, suspension, and termination.

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At the direction of the Department Director, one-half of the suspended days may be served through use of vacation or PTO days earned, as a special circumstance, not a right.

A regular employee may be suspended without pay for a longer period pending the investigation or trial of any felony or first degree misdemeanor, or other misdemeanor charge(s) against said employee which directly relate(s) to the position of employment held, excepting firefighters who shall be governed by Bargaining Unit Agreement. If it is determined by a court of law that the employee is innocent of the charges, the employee may be returned to duty with full pay for the period of suspension. In the event the Department Director or their designee believes there is imminent danger to the safety of employees, citizens, equipment, property, or for other reasonable cause, said Director or designee may order an immediate suspension with pay, for no longer than two (2) working days. Within those two (2) working days, the Director shall make a formal decision.

**B. Dismissal.**

Any employee may be dismissed by the Department Director for cause after an appropriate hearing, and after approval by the Mayor through a pre-termination hearing. The Department Director must first communicate with the Personnel Director. A written statement or recommendation of termination and the reasons therefore shall be submitted by the Department Director to the Mayor. The dismissed employee will be provided with a statement indicating the violation(s), reason(s) for termination, and rights of appeal. Although dismissals may be based on other causes, any one or more of the following may be sufficient:

1. Incompetency or general inefficiency in the performance of duties.
2. Conviction of a crime, if the crime is a felony or first degree misdemeanor, or other misdemeanor directly related to the position of employment held or, in the case of firefighters of the City, subject to Florida Statute.
3. Violation of any of the provisions of the Charter, City Code, these rules, or department rule.
4. Violation of any lawful and reasonable regulation, order, or direction made or given by a superior officer where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury.
5. Intoxication while on duty, from whatever source, which affects or impairs the ability of the employee to carry out his duties; the possession, consumption, or both, of intoxicating beverages while on duty or while

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- operating or using a City-owned vehicle; or the possession, sale, use, or addiction to the use of marijuana, illegal narcotics, or dangerous drugs while on duty or while operating or using a City-owned vehicle.
6. Carelessness or negligence in the use of any property of the City.
  7. Attempting to induce any officer or employee of the City to commit an act in violation of any lawful or reasonable rule, regulation, or policy.
  8. Conduct, either while on or off duty, which reflects discredit upon the City.
  9. Hindering the regular operation of the department or division because of absenteeism or tardiness.
  10. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental illness or condition after reasonable accommodation as stipulated in the ADA has been attempted.
  11. Being absent without leave or failing to report after leave of absence has expired.
  12. Failure to notify the Department Director, within one working day, of suspension or revocation of valid operator, CDL or Class D license (applies only to employees whose position requires valid licenses).
  13. Making a false statement of a material fact or practicing or attempting to practice any fraud or deception.
  14. Offensive conduct or language toward the public or fellow officers or employees, or abusive public criticism of superiors or public officials:
    - (a) Personally offensive or abusive conduct or language toward a public official, fellow employee, or any member of the general public when acting in an official capacity as a city employee or representative or while in uniform;
    - (b) Abusive public criticism of a written City or department policy, rule or official action when acting in an official capacity as a City employee or representative or while in uniform;
    - (c) Expression of a personal, work-related grievance, or bypassing official documented grievance procedures, when such grievance is not a matter of public concern; or
    - (d) Abusive use of any portion of this subsection (14) rule by an employee or official in order to control, suppress, or threaten, free discourse or discussion by any other official or employee, when such discourse or discussion is a matter of public concern and pertains to another employee, public official member of the public, or any written City or departmental policy, rule or official action.



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**C. Demotion for Inability to Perform Duties.**

The Department Director may demote a regular employee to a position, the duties of which the employee is able to perform, in a class carrying a lower compensation, when the director has determined the employee is unable to successfully perform the duties of the position and after approval by the Mayor through a pre-demotion hearing. Demotion may be to another department if both Department Director(s) and the Mayor agree and it does not violate a contract. Status will be given the employee in the new class. A written statement of the reason for demotion shall be submitted to the employee affected and to the Mayor, such statement to be submitted under the same provisions of Section 1 of this rule. If the demotion is for medical reasons, the ADA provisions of reasonable accommodation and confidentiality will apply.

**D. Work-Related Grievance.**

An employee shall not appear before the City Commission or make any statement to the City Commission with regard to a work-related grievance while that employee has available any grievance, arbitration, or appellate procedure which is provided for in collective bargaining agreement or City Code.

**Sec. 10.. Prohibitions**

- A.** No person shall be appointed or promoted to or demoted or dismissed from any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of political or religious persuasion or affiliations or race.
- B.** No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service.
- C.** No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment to a position in the classified service or an increase in or other advantage in employment in any such position.
- D.** No employee in the classified service, and no member of the Civil Service Board shall, directly or indirectly, pay or promise to pay an assessment, subscription or contribution for any political organization or purpose relating to the City, or solicit or take part in soliciting any such assessment, subscription, or contribution or any employee in the classified service.
- E.** No employee of the City shall receive anything of value from any person, firm, corporation, partnership, or other entity which does business with the

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department in which that employee is employed or is subject to control or supervision by the department in which that employee is employed.

- F. No person elected to public office shall, during the term for which he is elected, be appointed to any position in the classified service. Any person who holds a position in the classified service shall resign that position upon election to Mayor or City Commission.
- G. No person shall make any false statement, certificate, mark, rating, or report with regard to any test, certification, or appointment made under any provision of the charter and these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of the charter and these rules.
- H. No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the classified service.
- I. No employee, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification, or appointment under the charter and these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service.

Section 2. This resolution shall take effect immediately upon its passage.

DATED this 26 day of October, 1992.

PASSED AND ADOPTED on first reading this 26 day of October

1992.

  
PRESIDING OFFICER

ATTEST:

  
CITY CLERK

  
MAYOR

MOTION

SECOND

B. BARD-STRACHER

W. ELFERS

R. KAPLAN

J. MULLIN

M. MEADOWS

Mullin

Elfers

Yes

Yes

Yes

Yes

Absent

CITY OF LAUDERHILL  
FIRE-RESCUE DEPARTMENT

F.S. 112.82  
THE FIREFIGHTER'S BILL OF RIGHTS

Whenever you are subjected to interrogation, you have the following rights under Florida Statutes:

1. Before you are questioned, you must first receive written notice of sufficient detail of the investigation to reasonably apprise you of the nature of the investigation.
2. Before you are questioned, you must be given the names of all "complainants."
3. Before you are questioned, you must be informed of the name and rank of the officer in charge of the investigation, all interrogators and all persons present during the interrogation.
4. The interrogation must take place at the main fire station, or the facility where the investigating officer is assigned.
5. The interrogation must be held at a reasonable time of day, preferably when you are on duty, unless immediate action is required.
6. The interrogation must be of reasonable duration with rest periods.
7. You cannot be subjected to offensive language.
8. You cannot be offered any incentive as an inducement to answer questions.
9. A tape recording or other complete record must be made of the interrogation.
10. If a transcript is made of the interrogation, you are entitled to a copy, free of charge.
11. You are entitled to a union representative during the interrogation. You are entitled to be represented by counsel if you desire.
12. You cannot be disciplined, threatened or discriminated against because you exercise your rights, under this law.

I have read the above listed rights and understand them fully.

Signed \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Witness \_\_\_\_\_ Witness \_\_\_\_\_  
Form#52

