# BOARD OF COUNTY COMMISSIONERS

# MERIT SYSTEM
# RULES AND REGULATIONS

**Revised September 2026**

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# RULE 1

## ORGANIZATION AND ADMINISTRATION OF THE MERIT SYSTEM RULES AND REGULATIONS

### 1.1 PURPOSE

#### A. POLICY

It is the intent and policy of the Board of County Commissioners (Board) to provide a personnel management system consistent with the following:

1. Recruiting, selecting, and advancing employees on the basis of their relative education, training, and experience.

2. Providing equitable and adequate compensation.

3. Training employees, as needed, to assure high quality performance.

4. Retaining employees on the basis of the adequacy of their performance or conduct, correcting inadequate performance or conduct, and separating employees whose inadequate performance or conduct cannot be corrected.

5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation, gender, gender identity or expression, genetic information and other protected classes consistent with prevailing Federal, state, and local statutes and to take affirmative steps to recruit, employ, and advance in employment qualified minorities, women, and persons with disabilities.

6. Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

7. Assuring that no individual, group, or faction in County employment creates dissension, unrest, disquiet, institutes rumors or by any other act causes dissension and inefficiency to develop in County employment. Such acts shall constitute grounds for dismissal.

8. Informing the Board of County Commissioners when any departmental action to participate in a Federal or federally funded program is considered.

#### B. PROCEDURES

The Human Resources Director, through the County Administrator, shall prepare and submit to the Board of County Commissioners these rules for the Merit Service. Amendments to the Merit System Rules and Regulations (Merit Rules) may be made in the same manner.

## C. CONTENT

The Merit Rules shall provide, among other things, as follows:

1. For the maintenance and revision of a position classification plan for all positions based upon a similarity of duties performed and responsibilities assumed, so that the same qualifications may be required for and the same schedule of pay may be applied to all positions in the same class. The Human Resources Director shall allocate the position of every employee to one of the classes in the classification plan.

2. For periodic Pay Plan adjustments, based on economic and budget factors and Board direction. Employees shall be paid at the rate set forth in the Pay Plan for the classification in which they serve

3. For open competitive and promotional examinations which shall determine the relative abilities and qualifications of applicants meeting announced requirements for the respective competitive positions in the Merit Service. Such examinations shall be announced publicly and in advance of the closing date for the filing of applications. Notice of promotional examinations shall be posted in conspicuous places where they may be seen by employees eligible to compete. The Human Resources Director, however, may continue to accept applications long enough to assure a sufficient number of eligible applicants to meet the needs of the Service and to reject applicants who fail to meet job requirements.

4. For the establishment of referral lists for appointment and promotion.

5. For a period of probation of one year before permanent status is attained, during which period a probationary status employee may be discharged or demoted, without cause or recourse.

6. For the development and operation of an awards program to improve the effectiveness and morale of employees in the County Service. Such programs may include a provision for cash awards to employees who propose procedures or ideas which are adopted and placed into effect by the Board of County Commissioners and which result or are reasonably expected to result in eliminating or reducing the expenditure of public funds or the improvement of efficiency in administration of County government.

7. For establishing procedures governing layoffs, reinstatements, disciplinary actions, and grievances.

8. For hours of work, holidays, sick and vacation leave, and other leave with or without pay.

9. For the coverage and applicability of these Merit Rules.

10. For other rules, administrative policies and procedures, regulations, and directives, consistent with these Merit Rules, which shall aid in their effectiveness. In the event there is a conflict between the Merit Rules and county policies, the Merit Rules supersede.

## 1.2 MERIT SYSTEM COVERAGE

**A.** These Merit Rules do not apply to the employees of the Fire-Rescue Department covered by the International Association of Fire Fighters bargaining units. For employees covered by the Communication Workers of America bargaining unit, if the contract is silent, the Merit Rules apply.

The County Service shall consist of all personnel employed by the Board of County Commissioners in one of the job classifications set forth in the Classification and Pay Plan, either as members of the Merit Service or as At-Will employees. At-Will is an employment relationship not covered by a collective bargaining agreement or the Merit Service, in which either party is free to terminate the relationship at any time. At-Will employees of the Board of County Commissioners shall only be covered by the Merit Rules dealing with leave benefits, outside or non-County employment, nepotism, and anti-discrimination provisions. Upon approval of the Human Resources Director and the County Administrator, departments may designate certain positions as At-Will. A list of such positions will be kept in the Human Resources Department.

**B.** The County Administrator, County Attorney, Internal Auditor or designees shall select, appoint, employ, discipline, or remove any employee of the Board of County Commissioners under their direction and control pursuant to any and all procedures adopted by the Board and in accordance with any employee or union agreements and the Merit Rules for employees included in the Merit Service. Permanent status employees within the Merit Service shall be dismissed, disciplined, or demoted for just cause or reason and the written statement of such charge or charges shall be filed with the Human Resources Director and shall be furnished to the employee. In the case of employees in the Merit Service who have completed their probationary period, they shall have the right to grieve or appeal such action as provided by Merit Rule 7.

## 1.3 DISCRIMINATION PROHIBITED

**A.** No person shall be hired, appointed, promoted, demoted, terminated from employment or in any manner treated differently or discriminated against due to race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation, gender, gender identity or expression, genetic information and other protected classes consistent with prevailing Federal, state, and local statutes.

**B.** No employee shall be discriminated against or have an adverse employment action taken because he/she has taken an action to enforce protection under any Federal, state or local anti-discrimination statute or participated in the investigation of an action alleged under any Federal, state, or local anti-discrimination statute. Any person who violates any of the foregoing provisions of this section shall be subject to disciplinary action.

## 1.4 BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners is the final authority for:

**A.** Approving the Merit Rules. It may also request the County Administrator to prepare amendments and revisions it deems necessary.

**B.** Approving the pay policy.

**C.** Nominating and confirming appointments to the Personnel Appeals Board.

## 1.5 COUNTY ADMINISTRATOR

The County Administrator shall:

**A.** Administer and maintain the personnel system subject to the Merit Rules.

**B.** Prepare proposed amendments to the Merit Rules and the Classification and Pay Plan in cooperation with the Human Resources Director.

**C.** Implement and approve special pay schedules in cases of declared emergencies based on the needs and circumstances of the emergency.

**D.** Perform other duties, exercise other powers, implement and approve special policies, make exceptions to the Merit Rules and policies and procedures as may be required for the efficient administration of County government.

## 1.6 HUMAN RESOURCES DIRECTOR

The Human Resources Director shall:

**A.** Provide administrative and technical direction for the Palm Beach County Human Resources Department subject to the provisions of the Merit System Rules and Regulations.

**B.** Develop and administer recruitment and examination programs necessary to obtain an adequate supply of competent applicants to meet the needs of County service.

**C.** Develop, maintain, and amend a comprehensive classification plan that reflects, on a current basis, the duties and responsibilities of each position.

**D.** Administer the Pay Plan, including the periodic review of salary and wage levels as they affect County employment and make recommendations for amendments to the Pay Plan as needed.

**E.** Establish administrative processes appropriate to carrying out the personnel program.

**F.** Develop in cooperation with the County Administrator and the various Heads of Department or Designees training and educational programs for employees in the County Service as conditions warrant.

**G.** Provide administrative support to the Personnel Appeals Board.

**H.** Provide leadership in the development of programs for the improvement of employee productivity and morale.

**I.** Encourage and exercise leadership in the development of effective personnel administration within the departments of the County Service and make available the facilities of the Human Resources Department for that purpose.

**J.** Perform any other functions as necessary or as directed by the County Administrator to carry out the purpose and provisions of the Merit Rules.

### 1.7 PERSONNEL APPEALS BOARD

**A.** Each Commissioner of the Board of County Commissioners shall appoint one qualified individual to serve as a member of the Personnel Appeals Board, and appointments shall be subject to majority vote of the full Board of County Commissioners. Commissioners may also appoint alternates to ensure the availability of a quorum. The members of the Personnel Appeals Board shall be public-spirited persons who support the Merit System principles of personnel administration and who are not employed or appointed by Palm Beach County or its employees in any other capacity, official or otherwise.

**B.** Personnel Appeals Board members shall be appointed pursuant to Board of County Commissioners' Advisory Board policy and shall serve at the pleasure of the Board. The members shall not be compensated for their service on the Board.

**C.** The Personnel Appeals Board shall:

1. Convene upon appropriate notice. Notice of each meeting shall be posted and shall be open to the public. The Human Resources Director shall provide clerical support, a meeting place and minutes shall be kept of each board meeting.

2. Adjudicate appeals involving discharge and layoff upon request of any permanent status employee.

3. Render final and binding decisions for Palm Beach County in appeal hearings and sustain, modify or overturn the actions taken.

4. Provide for the administration of oaths, the presentation of testimony, and the production of records, and papers pertinent to the hearing.

5. Make recommendations for the conduct of proceedings before the Personnel Appeals Board.

**D.** The Personnel Appeals Board shall not have the authority to preside over appeals of discharge or layoff alleging discrimination on the basis of race, color, religion, sex, national origin, age, disability, familial status, marital status, sexual orientation, gender, gender identity or expression, genetic information, and other protected classes consistent with prevailing Federal, state, and local statutes. The Personnel Appeals Board shall not have authority to develop or define administrative policy.

## 1.8 COUNTY EMPLOYEES' RESPONSIBILITIES

All County employees shall comply with and assist in carrying out the intent of the Merit Rules, including the reasonable furnishing of records and information upon the request of the Human Resources Director, the Personnel Appeals Board, the County Administrator and the County Attorney.

## RULE 2

### DEFINITIONS

**ACROSS-THE-BOARD –** Pay adjustment given to Non-Bargaining Unit employees upon approval from the County Administrator and the Board of County Commissioners.

**AMERICANS WITH DISABILITIES ACT (ADA) POSITION DESCRIPTION –** A position description shall include a brief summary of the position, essential and marginal job functions, equipment used, physical and weight lifting requirements, working conditions, supervisory responsibilities, and minimum entrance requirements.

**ANNIVERSARY DATE –** The last date of hire into a permanent status position.

**APPEAL –** A request for a hearing before the Personnel Appeals Board.

**APPOINTING AUTHORITY –** The County Administrator and the Head of Department or Designee.

**AT-WILL EMPLOYMENT –** An employment relationship not covered by a collective bargaining agreement or the Merit Service, in which either party is free to terminate the relationship at any time.

**CLASSIFICATION PLAN –** The systematic arrangement of individual positions and duties into classes of work based upon common factors.

**COMPENSATORY TIME –** Time off with pay in lieu of overtime pay for hours worked in excess of the normal workweek.

**COUNTY REINSTATEMENT –** Re-employment of a former employee into County Service within 30 calendar days of separation of employment without loss of seniority or benefits.

**COUNTY SERVICE –** All personnel employed by the Board of County Commissioners in a permanent status position in one of the job classifications set forth in the Classification and Pay Plan, either as members of the Merit Service or as At-Will employees.

**DEMOTION –** The move of an employee from one job classification to another job classification that has a lower minimum assigned pay grade, whether voluntary or involuntary.

**DOMESTIC PARTNERS –** An adult, unrelated by blood, who meets the requisites for a valid domestic relationship as established by County Ordinance 2006-002.

**EXAMINATION –** Any selection instrument used to measure the relative knowledge, skills, and abilities of applicants competing for positions.

**EXEMPT EMPLOYEES –** Employees excluded from the overtime provisions of the Fair Labor Standards Act.

**GRIEVANCE –** A formal notice of appeal of discipline or other qualified dispute by an employee with permanent status in the Merit Service as established in section 7.04.

**HEAD OF DEPARTMENT –** The Director of a department created by the Board of County Commissioners. Includes departments that report directly to the Board of County Commissioners and departments that conduct business independent of the Board of County Commissioners.

**INTERN POSITION –** A temporary position (less than six (6) months) under an agreement with a college, university, or vocational /technical school to satisfy a practical experience requirement for graduation.

**JOB SPECIFICATION –** A written description of the essential characteristics of a job classification and work requirements that distinguish it from other job classifications.

**JOB TITLE –** A brief descriptive name for a job classification.

**LAYOFF –** Separation of employment caused by the elimination of a position or positions.

**MERIT SERVICE –** All permanent status personnel employed in the County Service, except those serving in At-Will positions.

**NEW EMPLOYEE REQUISITION –** The form used to initiate the hiring process.

**NON-EXEMPT EMPLOYEES –** Employees covered by the Fair Labor Standards Act for minimum wage and overtime payments.

**NORMAL WORK WEEK –** The workweek that is typically used for the calculation of pay and benefits, which is 40 hours.

**ON-CALL POSITION –** A non-Merit position hired to work only when requested, either for peak period or to work in place of permanent employee who is unavailable. Employment is limited to a maximum of 1,000 hours per calendar year. On-call employees receive no employee benefits.

**OVERLAP POSITION –** An employment status that occurs when a new employee is hired to replace a permanent County employee prior to the position being vacated. Overlap employees receive the same benefits as the employee they are overlapping.

**OVERTIME PAY –** Cash payment for hours worked in excess of 40 hours per week.

**PAY GRADE –** A salary range with a minimum and maximum pay rate.

**PAY PLAN –** A formal schedule of pay and overtime eligibility for all classes of work in the County Service.

**PERFORMANCE REVIEW –** A supervisor's formal evaluation of an employee's work performance.

**PERMANENT STATUS EMPLOYEE –** A Merit Service employee who has satisfactorily completed a probationary period.

**PERMANENT FULL-TIME POSITION –** A position with a work schedule of 30 hours or more that is funded for an indefinite period, covered under the Merit System and eligible for full employee benefits.

**PERMANENT PART-TIME POSITION –** A position with a work schedule of less than 30 hours per week that is funded for an indefinite period and covered under the Merit System. Employee benefits are pro-rated based on the number of hours worked per week.

**POSITION –** A group of duties and responsibilities requiring the full-time or part-time employment of one person, and budgeted by the Board of County Commissioners.

**PROBATIONARY STATUS EMPLOYEE –** A Merit Service employee currently serving a probationary period.

**PROMOTION –** The move of an employee from one job classification to another job classification that has a higher minimum assigned pay grade.

**RECLASSIFICATION –** The change of a position from one classification to another classification.

**REFERRAL LIST –** A list of applicants referred to the appointing authority by the Human Resources Director for selection to fill vacant positions.

**REGISTER –** A list of applicants who have met minimum qualifications for positions after passing a written examination or having been rated based upon training and experience.

**REINSTATED EMPLOYEE** – A terminated County employee rehired without loss of seniority or benefits, or as determined by a Tribunal.

**SEASONAL POSITION –** A non-Merit position hired to staff a function or program that operated intermittently throughout the year and continues from year to year with a regular but often fluctuating work schedule. Employment is limited to a maximum of 1,000 hours per calendar year. Some seasonal positions may be eligible for FRS but receive no other employee benefits.

**SENIORITY –** An employee's length of continuous service in a permanent position dating from the last date of hire with the County.

**STUDENT POSITION –** A non-Merit position that is set aside strictly for students enrolled in an accredited educational or vocational program. Employment is limited to a maximum of 1,000 hours per calendar year. Student employees receive no employee benefits.

**SUSPENSION –** The separation without pay of an employee for a specified period of time.

**TEMPORARY POSITION –** A non-Merit position scheduled to work either full or part-time to fill a temporary workload for up to six (6) months from the date of hire. Temporary employees receive no employee benefits.

**TRANSFER –** The change to another position in the same job classification or to a different classification with the same pay grade.

## RULE 3

## RECRUITMENT AND SELECTION

### 3.1 RECRUITMENT

**A.** Recruitment of applicants for positions in the Merit Service that are not to be filled by promotion, demotion, lateral transfer, or recall from layoff, will be carried out through any appropriate media on a timely basis to assure all segments of the public have the opportunity to apply and be considered for such positions.

**B.** Applicants will be recruited on the basis of the minimum training and experience requirements established for the class and position.

**C.** All advertisements shall indicate the County is an equal opportunity/affirmative action employer and shall be made available in alternate formats upon request.

### 3.2 PROCEDURE FOR FILLING VACANCIES

**A.** The Head of Department or Designee or appointing authority shall submit an official New Employee Requisition (requisition) form to the Human Resources Director to fill a vacancy and shall recommend the manner in which the position should be filled.

**B.** Upon receipt of a valid requisition to fill a vacancy, the Human Resources Director shall submit to the requesting Head of Department or Designee or appointing authority the names, addresses, and telephone numbers of applicants on the referral list for the position.

**C.** All referral lists shall be returned to the Human Resources Director by the Head of Department or Designee and shall contain the notation of the actions concerning each applicant on the list.

**D.** If, at any time after a referral list has been established by the Human Resources Director, Head of Department or Designee, or appointing authority decides not to fill the position, the requisition and referral list shall be canceled. In such instances, the applicants on the referral list shall be notified and a record made by the Human Resources Director of the actions taken and the reasons.

**E.** Any necessary administrative interpretations concerning referral and appointment matters may be made by the Human Resources Director.

### 3.3 ANNOUNCEMENT OF VACANT POSITIONS

**A.** All vacancies in the Merit Service not being filled by demotion, lateral transfer or recall from layoff may be publicized by posting announcements in the Human Resources Office, on the official department and division bulletin boards, and in other places and by other means as the Human Resources Director deems advisable.

**B.** The announcements, which may be for filling vacancies by initial appointment or by promotion shall specify:

1. Class title and salary of the position to be filled.

2. The minimum qualification requirements for eligibility or for admission to written and/or performance tests, if required.

3. The manner of submitting an application.

4. The closing date for receipt of an application.

## 3.4 APPLICATIONS

### A. SUBMISSION OF APPLICATIONS

1. All applications for positions in the Merit System shall be made on a Board of County Commissioners employment application deemed acceptable by the Human Resources Director.

2. All applications shall be signed or affirmed by the applicant attesting to the truth of all statements contained on the application form.

3. All applications must be submitted within the time limit indicated on the job announcement.

### B. REJECTION OF APPLICATIONS

The Human Resources Director may reject any application if it is determined that:

1. The application was not received on or before the closing date established for receiving applications.

2. The application was not filed on the prescribed form deemed acceptable by the Human Resources Director.

3. The applicant does not possess one or more of the requirements as specified in the public announcement.

4. The applicant failed to properly complete the application form.

5. The applicant has made a false statement or attempted to deceive in their application or test, to secure appointment.

6. The applicant is currently not eligible for hire by the County.

### C. RETENTION OF APPLICATIONS

Applications accepted will be retained in accordance with State of Florida Public Records Law.

## 3.5 EXAMINATION PROVISIONS

**A.** Positions should be filled by open competitive recruitment and examination, whenever practical, based on merit qualifications.

1. All examinations shall be valid, reliable, and designed to test the ability of the applicant to perform the essential functions of the position with or without reasonable accommodation. The examination process shall be administered in accordance with the provisions of the Uniform Guidelines for Employee Selection Procedures (UGESP) and will be made accessible upon request.

2. Open competitive and promotional examinations shall be prepared and conducted under the direction of the Human Resources Director. Examinations may be assembled or unassembled and may include, but not be limited to, rating of training and experience, written, oral, physical or performance tests. The examination process may take into consideration factors such as education, experience, knowledge, skill, ability, or any other job-related qualifications that may be applied equitably.

3. In assembled examinations, the name of any examinee shall not be identified until after the examination has been graded.

**B.** Fraudulent conduct or false statements by an applicant, or in collusion with others in any application or examination, shall be deemed cause for the exclusion of such applicant from an examination, for removal of his/her name from all consideration, or discharge from the County.

**C.** No employee may participate, directly or indirectly, in the rating of an examination in which he/she or a relative, by blood or marriage, or anyone sharing the same household, is a competitor.

**D.** It is the responsibility of every employee and representative of the Human Resources Department to treat as confidential any information available to them concerning examination materials and ratings earned by competitors, in accordance with the Florida Public Records Law.

**E.** Any examination may be postponed or canceled at the direction of the Human Resources Director. In either case, each applicant shall be notified of the postponement or cancellation and the reasons for the action.

## 3.6 METHOD OF SCORING/RATING EXAMINATIONS

**A.** Appropriate techniques and procedures based on merit principles shall be used in scoring/rating results of examination and in determining the relative scores/ratings of the competitors.

**B.** For all examinations, the minimum performance or requirements for eligibility shall be established by the Human Resources Director. A minimum qualifying grade shall be established for each exam segment and for the combined ratings of the several parts of the examination.

**C.** In examining for technical and professional positions, an evaluation of training and experience may be conducted to determine the best-qualified applicants to compete in further steps of the examination process.

### 3.7 VETERANS' PREFERENCE

Preference on entrance examinations, (and in reinstatement, reemployment, or retention), shall be granted to all persons requesting such who have achieved a minimum qualifying score on an examination and who have submitted documented proof of eligibility. The rank order of such persons among other eligible candidates shall be determined on the basis of their augmented rating. Veterans' preference shall be allowed in accordance with relevant Florida Statutes.

### 3.8 REFERRAL LISTS

**A.** Vacancies in the Merit Service shall be filled from referral lists and/or registers by a competitive process unless the vacancies will be filled by lateral transfer, demotion, recall or through any authorized and established non-competitive process.

**B.** Each referral list shall remain in effect for six (6) months. When deemed necessary and in the best interest of the County, the Human Resources Director may extend the duration of the referral list for an additional period.

**C.** Applicants may be excluded from further consideration for any of the reasons listed below:

1. At the request of the applicant.

2. Refusal of an offer of appointment under conditions previously listed by the applicant as acceptable.
3. Failure to report for an interview or to any inquiry of the Human Resources Director or Head of Department or Designee within the time specified unless satisfactory justification is furnished for such failure to respond.

4. Failure to report for work after accepting appointment.

5. The discovery that the applicant would be subject to rejection under other provisions of these rules.

6. Dismissal from the County Service or resignation not in good standing with a recommendation of no-rehire or an appropriate restricted rehire status.

7. Following separation from the County if on a list advertised as promotional.

8. Discovery that the applicant has willfully provided erroneous information, withheld information, evaded questions, or otherwise misrepresented his/her qualifications to qualify for appointment and/or promotion.

9. The applicant's reference check reveals previous job-related performance or conduct problems.

## 3.9 TYPES OF REFERRAL LISTS

### A. PROMOTIONAL LISTS

1. When in the best interest of the County, the Human Resources Director shall establish promotional lists from which vacancies in the Merit Service can be filled.

2. All promotions will be made on a merit basis from the best-qualified group of candidates on an appropriate list. The ranking procedure may include but not be limited to evaluation of training and experience, written, physical, and performance tests, structured oral interviews, and performance reviews.

### B. OPEN COMPETITIVE LISTS

When it is impractical to establish promotional lists, the Human Resources Director shall use open competitive lists consisting of persons who have successfully qualified through the competitive process for the classes of positions involved.

## 3.10 PROCESSING APPLICANTS SELECTED

**A.** The Head of Department or Designee or appointing authority shall select the best-qualified applicant from among those referred. Once a selection is made, the Human Resources Department will make the job offer to the selected person.

**B.** Before official appointment, the applicant must:

1. Pass a physical examination when required, pass a pre-employment background investigation and/or drug test as required or permitted by law.

2. Present documentation to meet U.S. Citizenship and Immigration Services (USCIS) employment eligibility requirements within three (3) days of beginning work.

3. Present proof of education, if requested, within 30 days of beginning work.

4. Present any other documents determined necessary to verify job requirements.

**C.** Any exception to this procedure must be approved by the Human Resources Director.

### 3.11 POST-OFFER PHYSICAL

**A.** The post-offer physical is valid for 30 calendar days prior to actual start date. If placement exceeds 30 days, another post-offer physical is required.

**B.** No employee may start in a new position without Occupational Health Clinic review of the position's physical requirements, whether a promotion, demotion or a lateral transfer. The Occupational Health Clinic shall make a determination of whether a medical screening may be required or waived.

## RULE 4

## PROBATIONARY PERIOD

### 4.1 GENERAL PROVISIONS

All appointments to positions in the Merit Service shall be subject to satisfactory completion of a probationary period, whether new appointments, reemployment, or transfer from At-Will positions. This probationary period shall be used for closely observing the employee's work to determine if the employee's performance and conduct merit retention as a permanent employee.

### 4.2 DURATION

#### A. NEW EMPLOYEE

The probationary period for new employees shall not be less than one (1) year of actual time worked. If a probationary employee has any period of absence from the job lasting longer than 10 consecutive working days (80 hours) not including vacation, the probationary period will be extended by the same amount of time the employee was absent from the job. The probation can be extended by the Head of Department or Designee with the agreement of the Human Resources Director for no more than 90 days based on atypical circumstances.

Employees on new employee probation are not allowed to laterally transfer into a different position or promote into a different position intradepartmentally before the end of the probationary period without approval from both the Head of Department or Designee and the Human Resources Director. Employees cannot transfer or promote across departmental boundaries during new employee probation. If an employee on new employee probation is demoted, their pay will be the minimum of the new grade.

#### B. REEMPLOYMENT

Upon reemployment in a position in the Merit Service, an employee shall serve a new probationary period. However, if reemployment is due to a prior reduction-in-force, a permanent status employee who is recalled to the same job class from which the layoff occurred shall not be required a serve a new probationary period.

### 4.3 DISMISSAL DURING PROBATIONARY PERIOD

At any time, a Head of Department or Designee may dismiss an employee with or without cause upon issuing of a Human Resources approved letter. There shall be no right of appeal from adverse action taken against an employee during the probationary period.

## RULE 5

## DEMOTION, TRANSFER, AND RESIGNATION

### 5.1 TYPES OF DEMOTION

**A. TYPES OF DEMOTION AND PROBATIONARY PERIOD**

An employee with permanent status may be demoted by the Head of Department or Designee with approval from the Human Resources Director for the following reasons:

1. **INVOLUNTARY**

Demotion due to the downgrading of the job class to a lower pay grade will not require a probationary period.

2. **VOLUNTARY**

Employees with permanent status may request a demotion to a job classification for which they are qualified with the approval of the Head of Department or Designee and the Human Resources Director. There will be no requirement for a probationary period.

**B. DEMOTION IN LIEU OF LAYOFF**

An employee may elect demotion in lieu of layoff in accordance with Merit Rule 8.

**C. EFFECT OF DEMOTION ON PAY GRADE AND PAY RATES**

When an employee with permanent status is demoted, the employee's rate of pay will be adjusted in accordance with Merit Rule 6. If demotion occurs while on new employee probation, the employee's rate of pay must go to the minimum of the new pay grade.

### 5.2 LATERAL TRANSFER

**A.** A permanent status employee may with the approval of the Head of Department or Designee concerned and the Human Resources Director be transferred to another position in the same job classification or to another job classification with the same pay grade. There will be no requirement to serve a new probationary period.

**B.** Such transfer shall not change the employee's pay grade, pay rate, anniversary date, or permanent status.

**C.** If the transfer is to another classification, the employee must meet minimum qualifications.

## 5.3 RESIGNATIONS

**A.** Any employee wishing to resign from County employment should file with the Head of Department or Designee a written resignation stating the last date of work and the reason for leaving. Where possible, at least two (2) weeks' notice should be given or the minimum required by the department. Failure to submit notice may result in a no-rehire recommendation. A resignation can only be rescinded at the discretion of the Head of Department or Designee.

**B.** When an employee submits a letter of resignation, the effective date of separation from the Merit Service shall be the date designated by the employee unless the Head of Department or Designee determines an earlier date.

## 5.4 UPON SEPARATION FROM EMPLOYMENT

Upon separation from employment, an employee shall be coded as recommended for rehire: "Yes," "No," or "Restricted," which excludes rehire in a certain department. The basis for a "no" or "restricted rehire" is failure to give notice, absence without leave (AWOL), poor performance, disciplinary record, or otherwise leaving County employment not in good standing. Former employees with a "no rehire" or "restricted rehire" status may request review of their status after one year by writing to the Human Resources Director.

## 5.5 REHIRES

**A.** Former employees who separated from the County in good standing are eligible to be considered for rehire into any department and into any position for which they meet minimum qualifications.

**B.** Former employees who were separated from employment for poor performance, misconduct, absence without approved leave (AWOL), or who failed to give notice of resignation and who have been coded "restricted rehire" are limited to rehire into another department other than the department in which they were employed when separated from the County.

**C.** A resignation in lieu of termination, while an investigation of misconduct is ongoing, or while a disciplinary action is pending is not considered voluntary and may make the former employee ineligible for rehire with the County.

## RULE 6

## CLASSIFICATION AND PAY ADMINISTRATION

### 6.1 THE CLASSIFICATION MANUAL

#### A. CONTENT OF THE CLASSIFICATION MANUAL

The Classification Manual contains written specifications for each job class that describes the nature of work and relative responsibilities of the class, typical illustrative tasks found in the class, requirements of the class; the necessary knowledge, skills, and abilities required for adequate performance of the work; and the experience and training required for recruitment.

1. The class titles standardize the meaning, allocation, and usage of positions throughout the County Service and shall be used on all personnel, accounting, budget, and related official records.

2. No person shall be appointed to a position in the Merit Service under a title not contained in the Classification and Pay System.

#### B. RESPONSIBILITY FOR MAINTENANCE OF THE CLASSIFICATION MANUAL

The Classification Manual shall be maintained by the Human Resources Director who shall provide for the continued, proper allocation of positions to job classes. The Human Resources Director may delegate authority to staff members of the Human Resources Department to assist in the continuous review and maintenance of the classification specifications.

The Human Resources Director shall:

1. Determine the proper job class and pay grade for each new or reclassified position.

2. Periodically review the classification and pay grade of all positions and recommend appropriate changes to the Classification Manual and/or Pay Plan.

3. Recommend the deletion of job classes no longer useful to the County organization and recommend new positions and job classes where appropriate.

#### C. USE OF THE CLASSIFICATION SPECIFICATIONS

The Classification Specifications shall be used to:

1. Determine applicant qualifications.

2. Determine salary ranges to be assigned for the various classes of work.

3. Delineate lines of career progression.

4. Provide an understandable and uniform terminology of jobs.

5. Assign new positions to classifications.

## 6.2 THE PAY PLAN

### A. GENERAL PROVISIONS

The Pay Plan shall be directly related to the Classification Manual and shall provide the basis of compensation for employees in the County Service. The Pay Plan shall be constructed according to the following:

1. Relative difficulty and responsibility of the various classes of work and minimum entrance requirements.

2. Prevailing rates of pay for similar types of work in private and public employment.

3. Economic conditions of the area.

4. Financial policies of the Board of County Commissioners.

### B. CONTENT OF THE PAY PLAN

The Pay Plan shall include:

1. A table of basic pay rates.

2. A schedule of salary grades for each title in the Classification Manual consisting of minimum and maximum rates.

3. A listing of all types of additional compensation and eligible employee groups.

### C. RESPONSIBILITY FOR MAINTENANCE OF THE PAY PLAN

The Pay Plan shall be maintained by the Human Resources Director, who shall:

1. Periodically review the pay grades of all job classes.

2. Recommend changes to the pay grades based on changes of job responsibilities, cost of living, availability of labor supply, prevailing rates of pay the County's financial condition and policies, or other pertinent economic considerations.

3. Recommend pay grades for all new class titles added to the Pay Plan.

4. Recommend types and amounts of special pay incentives or allowances.

5. The Human Resources Director may delegate authority to staff members of the Human Resources Department to assist in the continuous review and maintenance of the Pay Plan.

## 6.3 ADMINISTRATION OF THE PAY PLAN

### A. EMPLOYMENT TO BE IN ACCORDANCE WITH THE PAY PLAN

1. All persons employed in the Merit Service shall be paid in accordance with the rates of pay set forth in the Pay Plan for the job class to which the appointment is made.

2. Initial employment in the Merit Service shall normally be made at the minimum of the pay grade established for the job class.

3. Heads of Department or Designees may request initial employment above the minimum rate established for the class to which the appointment is made when there is a lack of qualified applicants for the position or other extenuating circumstances. Such appointments must be approved by the Human Resources Director, the County Administrator, or the Deputy County Administrator, depending on how much the request exceeds the minimum. Should the employee be demoted prior to completion of the probationary period, the employee's rate of pay should be reduced to the minimum of the new pay grade.

### B. TYPES OF SALARY INCREASES/DECREASES

1. Each year prior to implementation of the new budget the County Administrator will recommend to the Board of County Commissioners the amount and timing of any salary increases (if given).

2. **Pay upon promotion** – An employee's rate of pay will be adjusted as follows:

    a. If the promotion is to a position one (1) pay grade higher than the present position, the employee will receive a 3% increase or the minimum of the new pay grade, whichever is higher.

    b. If the promotion is to a position two (2) pay grades higher, the employee will receive a 6% increase or the minimum of the new pay grade, whichever is higher.

    c. If the promotion is to a position three (3) or more pay grades above the present grade, the employee will receive either a 10% increase or the minimum of the new pay grade, whichever is higher.

    d. In no case will the employee's base rate of pay exceed the maximum for the position to which the promotion is made.

3. **Pay upon Demotion** – An employee's rate of pay will be adjusted as follows:

    a. If the demotion is to a position one (1) pay grade lower, the employee's rate of pay will be reduced by 3% or to the maximum of the new range, whichever is lower.

    b. If the demotion is to a position two (2) pay grades lower, the employee's rate of pay will be reduced by 6% or to the maximum of the new range, whichever is lower.

    c. If the demotion is to a position three (3) or more pay grades lower than the present grade, the employee's base rate of pay will be reduced by a 10% decrease or to the maximum of the new range, whichever is lower.

    d. In no case will the employee's base rate of pay exceed the maximum for the position to which the demotion is made.

4. **Pay Upon a Lateral Transfer**

    If an employee is transferred to a position within the same job classification, or to a job classification with the same pay grade, the employee's base pay will remain the same.

5. **Pay Upon Recall from Layoff**

    An employee recalled to work from layoff will be paid in accordance with Merit Rule 8.

6. **Pay Upon Special Salary Increase**

    Salary increases in addition to those already specified in the Merit Rules shall require the approval of the County Administrator or Deputy County Administrator or designee. Special Salary Increases shall be fully documented and justified according to policy.

7. **Pay Upon Temporary Promotion**

    a. A non-bargaining unit employee meeting the minimum qualifications may receive a temporary promotion to a higher level position without competition when either:

        i. An employee has to perform the duties during the temporary absence of the incumbent in excess of ten (10) consecutive workdays. A temporary promotion shall not exceed six (6) months unless extenuating circumstances exist and approval is granted by the Human Resources Director. Except for extenuating circumstances, the temporary promotion will not continue for more than 60 calendar days after the establishment of an appropriate referral list; or,

        ii. It is necessary to the operation to fill the position before permanent appointment can be made. Temporary promotions shall not be used for trial periods or to train persons for higher-level positions.

b. An employee selected for a temporary promotion must be informed in writing of the conditions and circumstances of the temporary promotion, including the assurance of return to his/her position upon completion of the temporary assignment.

## 6.4 CLASSIFICATION REVIEW

### A. GENERAL PROVISIONS

The Compensation & Records Section of the Human Resources Department conducts classification reviews periodically or at the request of the department.

1. When a new position is anticipated, or when there is a significant change in the duties and responsibilities of an existing permanent status position, the appointing authority must submit: a) an online Request for Job Classification, b) an ADA Position Description reflecting current or anticipated duties, so that the position can be properly classified, and c) current and proposed organizational charts. Encumbered existing positions must be fulfilling the higher level duties for six (6) months.

2. Positions shall be reclassified only when there is a significant change in the duties and responsibilities or an inequity in the original classification.

3. Positions shall be regraded only when recruiting difficulties exist, an organizational change affects the level of responsibility or a position; an inequity was created by the reclassification of other positions; an inequity was created by the regrading of other positions; or competitive pay surveys indicate a change in grade level is necessary.

### B. AUTHORITY TO APPROVE RECLASSIFICATION/UPGRADE RECOMMENDATIONS

Recommendations for reclassification shall be made by the Human Resources Director to the County Administrator or designee.

### C. APPEAL OF A RECLASSIFICATION/UPGRADE RECOMMENDATION

If the Head of Department or Designee does not concur with Human Resources' decision on a classification, the recommendation may be appealed to the County Administrator, whose decision shall be final. The allocation and classification of positions shall not be addressed through the grievance procedure.

### D. PAY UPON RECLASSIFICATION OR UPGRADING

1. When positions are reclassified the Merit System Rules governing pay upon promotion, demotion, or lateral transfer shall be applied in accordance with Merit Rule 6.3.

2. When a job class is upgraded or downgraded to a new pay grade, rates of pay for the incumbents shall be adjusted in accordance with Merit Rule 6.3.

## 6.5 METHODS OF PAYMENT

### A. GENERAL PROVISIONS

1. All full-time Merit Service employees, exempt and non-exempt, regularly working established normal workweeks of 40 hours, shall be paid at the bi-weekly or hourly rates set forth in the Palm Beach County Classification and Pay Plan.

2. If the effective date of any pay change is the same date as an employee's across-the-board increase, the across-the-board pay increase shall be applied first, and then any other pay change will be applied.

### B. BASE RATE OF PAY

Base rate of pay is the hourly rate paid to an employee for a particular job classification.

1. The base rate of pay shall not include additional amounts paid for special compensation such as shift differential, stand-by pay, or other incentives and allowances.

2. Pay adjustments for increases, across-the-board increases, promotions, demotions, positions upgrading, and other types of special pay shall be applied to the employee's base rate of pay only.

### C. OVERTIME WORK

It shall be the general policy of the County not to require frequent or considerable overtime. However, Heads of Departments or Designees may authorize or direct an employee to work over 40 hours when necessary to meet emergency deadlines or operating needs.

1. All overtime work must be scheduled and authorized by the Heads of Department or Designees. Overtime that is fully documented and approved by a Head of Department or Designee in advance of actual payment is considered to be in compliance with Merit Rule 6.

2. Heads of Department or Designees shall maintain records of all overtime worked by Merit Service employees in their departments. No additional hourly pay or compensatory time off shall be granted, except on the basis of such records.

3. For overtime compensation purposes, holidays, previously scheduled vacation leave, compassionate leave, previously scheduled incentive leave used, absence for parent/teacher conferences, previously scheduled compensatory leave used, paid parental leave, Clinic/EAP visits, time off for blood donation and jury duty shall be considered as time actually worked. Benefits paid under Workers' Compensation or any leave without pay granted to the employee shall not be considered as time worked when computing overtime. Non-exempt employees in attendance at seminars to learn or improve skills used in their current classification must be counted as time worked for overtime purposes.

4. When computing overtime for non-exempt employees, absent time paid such as sick and unscheduled annual leave, military leave, attendance at approved seminars to learn skills for a different/higher classification shall be excluded as time worked.

**D. OVERTIME PAY/COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES**

Overtime pay or compensatory time off at time and one-half the employee's regular hourly rate shall be allowed for all authorized and necessary work which exceeds 40 hours between 12:01 AM Saturday and 12:00 midnight Friday. At the discretion of the Head of Department or Designee, an employee may be granted time off in lieu of cash payment at the rate of one and on-half (1-1/2) hours for each hour of overtime worked in excess of 40 hours in a workweek. Individual employee compensatory time balances shall not exceed 120 hours maximum per employee. The accrual of compensatory time shall be kept at a minimum and early use of compensatory time is encouraged to keep accumulated balances as low as possible.

1. Holiday pay for non-exempt employees who are required to work on a scheduled holiday shall receive eight (8) hours of holiday pay and may receive time and one-half for working on the holiday, if their total hours worked during the week of the holiday exceeds 40 hours. A holiday is considered eight (8) hours for a 40-hour workweek.

2. Upon separation of employment, non-exempt employees shall receive payment for all accrued overtime/compensatory time worked.

**E. STRAIGHT TIME PAYMENT FOR EXEMPT EMPLOYEES**

1. Employees exempt from paid overtime may be granted time off at a rate of one hour for each hour worked in excess of 40 hours with the approval of the Head of Department or Designee.

2. Payment to exempt employees at straight time rates can be made with the approval of the County Administrator as warranted by unusual circumstances, or when it is deemed counter-productive to allow employees to take time off or flex their schedules.

3. Time balances must be taken prior to separation of employment.

**F. SHIFT DIFFERENTIAL PAY**

Shift differential will be paid to employees who are assigned either of the night shifts in those departments and divisions which operate two (2) or three (3) shifts per day. Shift differential is established by the Human Resources Director.

**G. STANDBY ASSIGNMENT PAY**

When it shall be in the best interest of the County, Heads of Department or Designees may require Merit Service employees to work evening and weekend standby assignments. For purposes of overtime work, standby pay shall be considered when computing overtime pay benefits.

## H. LEADWORKER PAY

1. An in-grade increase will be paid to employees with the responsibility for assigning and reviewing the work of other employees who are classified in the same grade at a work location removed from regular supervision. Such limited supervisory responsibility shall not include hiring, performance reviews, and disciplinary actions.

2. The differential shall be based on the employer's base rate of pay. If lead worker duties cease, the amount of lead worker pay will be discontinued.

3. Requests for lead worker pay must be submitted to and approved by the Human Resources Director.

## I. PAY UPON SEPARATION OF EMPLOYMENT

Upon separation of employment, employees shall receive all pay due them, subject to the following qualifications:

1. Payment for overtime shall be subject to the provisions of Merit Rule 6.5 pertaining to overtime and compensatory time.

2. Payment of vacation leave and sick leave shall be subject to the provisions of Merit Rule 9 governing final payment of sick and vacation leave, and shall be made at the base rate of pay excluding assignment pay.

3. No holiday pay may be granted to the separating employee for any holiday occurring after the close of business on the last day the employee reports for duty.

4. Any employee who is liable for repayment of tuition or other monies at the time of separation shall have his/her final pay applied against whatever amount may be needed to satisfy the balance. For the period worked, the balance should not be less than minimum wage. Partial payment of the amount due shall not release an employee from responsibility for the outstanding balance.

5. The employee shall return County property, including uniforms, keys, and equipment, etc. upon separation of employment before receiving final pay.

6. In the event of the death of an employee, his/her estate shall be paid any amounts due for hours worked, accrued compensatory time, vacation leave and sick leave minus any amounts owed to the County.

## RULE 7

## RULES OF CONDUCT; DISCIPLINARY GUIDELINES; ADVERSE ACTIONS; EMPLOYEE RECOURSE

### 7.1 GENERAL PROVISIONS

**A.** The Board of County Commissioners require that employees be familiar with all rules and regulations pertaining to their jobs and that they abide by these rules and regulations in carrying out their assigned duties. Employees are expected to conduct themselves in a professional manner. Supervisors will ensure that their employees are adequately trained in their jobs and informed of all rules and regulations pertaining to their jobs.

**B.** Employees who commit an offense will be disciplined by written reprimand, suspension, demotion, dismissal, or a combination thereof, as outlined in section 7.2.

**C.** Written reprimands and suspensions must be recorded on form MS# 113, signed by the supervisor, Division Head, Department Head, and the employee, and submitted to Human Resources. When the employee refuses to sign, the supervisor must annotate on the form the employee's refusal and sign and date the notation.

**D.** Discipline, demotion, or dismissal may also be administered if the employee does not meet and maintain the prerequisite conditions for a certain position, including but not limited to failure to obtain or maintain required licenses, certificates or other essential qualifications, failure to perform the work required, or unsatisfactory performance.

**E.** Any disciplined employee has the right to submit a grievance or appeal as established by the Palm Beach County Merit Rules or applicable collective bargaining agreement.

**F.** Each employee shall be provided a copy of Merit Rule 7 and is responsible for knowing and understanding the disciplinary guidelines in Merit Rule 7.

**G.** Supervisors are responsible for immediately reporting any violation of any rule, policy, or procedure to the Head of Department.

### 7.2 DISCIPLINARY GUIDELINES

**A.** Heads of Department or Designees may discipline, demote, or dismiss permanent status employees for just cause.

**B.** Heads of Department or Designees will use the following list of offenses and disciplinary guidelines when administering discipline. If a specific offense or circumstance warrants discipline but is not listed, appropriate discipline may be administered within the meaning and intent of Merit Rule 7.

**C. APPLICATION OF PROGRESSIVE DISCIPLINE**

1. **First Occurrence of any Violation:** If an employee has not been disciplined for any offense within the previous 12 months, then the penalty for a first offense will apply.

2. **Second Occurrence of any Violation:** If an employee has been disciplined for any offense within the previous 12 months, then the penalty for a second offense should be greater than the penalty given for the first offense.

3. **Third Occurrence of any Violation:** If an employee has been disciplined for two or more offenses within the previous 12 months, then the disciplinary guidelines for the third offense will apply.

**D.** When determining whether an employee has been disciplined within the previous 12 months, the operative date is the date of the employee's signature of acknowledgment of receipt of the discipline. If the employee refuses to sign the acknowledgment of receipt, the operative date is the date of that refusal, as noted on the disciplinary action form.

**E.** If the disciplinary guidelines provide for a range of disciplinary options for a particular offense, the Head of Department or Designee may consider the employee's entire personnel record and employment history when deciding which of the disciplinary options to impose.

**F.** Recognizing that these are guidelines, with a range of disciplinary penalties available for various offenses, the decision by the supervisor to impose discipline less than the minimum stated in the guidelines, shall be justified by the supervisor in writing and approved by the Human Resources Director.

| DISCIPLINARY GUIDELINES | | | | |
|---|---|---|---|---|
| | **OFFENSE** | **1ST OCCURRENCE** | **2ND OCCURENCE** | **3RD OCCURENCE** |
| 1 | Failure to follow instructions or directions. | Written Reprimand | 1–5 Day(s) Suspension | 6-10 Days Suspension or Dismissal |
| 2 | Unproductive use of time. | Same | Same | Same |
| 3 | Excessive tardiness. Employees shall observe time limits for start times, breaks, and lunch periods as specified in writing by the department. | Same | Same | Same |
| 4 | Excessive absenteeism as specified in writing by the department's established - written policy. Sick leave and other types of leave benefits shall not be abused. Employee must notify supervisor in advance of anticipated absence. | Same | Same | Same |
| 5 | Unauthorized distribution of electronic, written or printed materials on County premises or while on duty. | Same | Same | Same |
| 6 | Unauthorized solicitation or sales on County premises or while on duty. | Same | Same | Same |
| 7 | Use of profane, obscene, or derogatory language to public or coworkers. | Same | Same | Same |

| | OFFENSE | 1ST OCCURRENCE | 2ND OCCURRENCE | 3RD OCCURRENCE |
|---|---|---|---|---|
| 8 | Failure to report for assigned emergency duty without administration approval. | 1-5 Day(s) Suspension | 6-10 Days Suspension or Dismissal | Dismissal |
| 9 | Absence without authorized leave for less than 3 consecutive workdays. | Same | Same | Same |
| 10 | Failure to report an on-the-job injury or accident. | Same | Same | Same |
| 11 | Leaving workstation without authorization. Employees shall not depart from work early without permission. | Same | Same | Same |
| 12 | Sleeping while on duty. | Same | Same | Same |
| 13 | Revealing privileged or confidential information to unauthorized persons. | Same | Same | Same |
| 14 | Dishonesty. | Same | Same | Same |
| 15 | Gambling. | Same | Same | Same |

| | OFFENSE | 1st OCCURRENCE | 2ND OCCURRENCE |
|---|---|---|---|
| 16 | Supervisor's failure to report a known or suspected violation. | 6-10 Days Suspension or Dismissal | Dismissal |
| 17 | Engaging in harassment, discrimination, or retaliation in violation of County rules, policies procedures, and/or Federal, State, or local rules or laws. | Same | Same |
| 18 | Negligence. | Same | Same |
| 19 | Misappropriation of funds. | Same | Same |
| 20 | Insubordination. Refusal to follow directives, defiance, contempt or antagonism to supervision. | Same | Same |

| | | | |
|---|---|---|---|
| 21 | Fighting or violence while on duty. | Same | Same |
| 22 | Unauthorized possession of a weapon. | Same | Same |
| 23 | Use of threats, intimidation, harassment, mistreatment, physical abuse, or verbal abuse to public or coworkers. No individual shall be threatened with physical violence or otherwise forced to suffer degrading experiences. | Same | Same |
| 24 | Failure to report any mistreatment of coworkers, clients, or the public. | Same | Same |
| 25 | Falsification of records including omission or knowingly submitting inaccurate or untruthful information. | Same | Same |
| 26 | Destruction, unauthorized use or abuse of County property or equipment or property of coworker or public, regardless of value. | Same | Same |
| 27 | Unauthorized use or theft of property or equipment, regardless of value owned by the County, a coworker or a member of the public. | Same | Same |
| 28 | Participating or engaging in concerted activity to commit an offense or slow-down of work, mass call-in alleging sickness, or work stoppage. | Same | Same |
| 29 | Committing any offense while supervising other employees. | Same | Same |

| | | | |
|---|---|---|---|
| 30 | Impaired or under the influence of alcohol, non-prescription controlled substances, or unauthorized controlled substances. | Same | Same |
| 31 | Use, possession, solicitation, sale, or disbursement of alcohol, non-prescription controlled substances, or unauthorized controlled substances. | Same | Same |
| 32 | Conduct unbecoming a public employee. Such conduct includes actions which reflect unfavorably on the County, its employees, or its citizens. Employees are expected to conduct themselves in a professional manner. | Same | Same |

| | OFFENSE | 1ST OCCURRENCE | 2ND OCCURRENCE | 3RD OCCURRENCE |
|---|---|---|---|---|
| 33 | Violation of other rules, regulations or policies such as departmental policies or safety rules, and/or Federal, State, or local rules or laws. | Written Reprimand or up to 10 days Suspension or Dismissal | 10 days Suspension or Dismissal | Dismissal |

| | OFFENSE | 1ST OCCURRENCE |
|---|---|---|
| 34 | Prior discipline for engaging in harassment, discrimination, or retaliation in violation of County rules, policies, procedures, and/or Federal, State, or local rules or laws. | Dismissal |
| 35 | Absent without authorization of leave for 3 or more consecutive workdays. | Dismissal |
| 36 | Use or threatened use of a weapon. | Dismissal |

| | | |
|---|---|---|
| 37 | Unethical conduct as specified in Florida Statute § 112, the Code of Ethics for Public Officers and Employees, or Palm Beach County Ethics Ordinance. | Dismissal. If the matter is referred to the Commission on Ethics, the employee is placed on administrative leave without pay until a determination is reached in accordance with the Palm Beach County Code of Ethics. |
| 38 | Placed under arrest and/or charged with any crime related to employment or which implies a likelihood of potential harm to persons or property. | Administrative leave without pay until the charge is resolved or until the department has verifiable facts of a violation of the Merit Rules to proceed with further action. |
| 39 | Found guilty regardless of adjudication, or entered a plea of nolo contendere or guilty of any crime related to employment or which implies a likelihood of potential harm to persons or property. | Dismissal |

## 7.3 PROCEDURES FOR DISMISSAL: NOTICE AND PRE-TERMINATION MEETING

**A.** Before any permanent status employee can be dismissed, the Head of Department or Designee must provide written notice to the employee and convene a pre-termination meeting.

1. Written notice shall be:

   a. Hand delivered to the employee at least three (3) working days before the meeting; or

   b. Sent by regular first-class mail at least five (5) working days before the meeting to the home mailing address provided by the employee. A mailed notice shall constitute full and complete notice even if the mail is refused or ignored by the employee.

2. The written notice shall contain the following:

   a. The reason(s) for the employee's proposed dismissal, including the specific offense or offenses, if any, charged against the employee and any supporting documents or materials that the department intends on to rely on to support the charges.

   b. A statement that a meeting has been scheduled to give the employee an opportunity to rebut or otherwise respond to the reasons stated for the proposed dismissal, and that the employee may submit relevant evidence, orally or in writing, at the meeting.

   c. The date, time, and location, including address and room number, of the meeting.

   d. A statement that the employee may bring an attorney or another representative to assist the employee at the meeting.

   e. A statement that if the employee is unable to attend the meeting in person, then the employee may upon request, attend the meeting by telephone or electronically or may send a representative to attend the meeting in the employee's place.

   f. A statement that if the employee fails to attend the meeting or otherwise respond to the written notice, the Head of Department or Designee will make the decision based on the available evidence.

   g. A request that the employee contact the department not less than 24 hours before the scheduled meeting to confirm whether the employee, and/or the employee's representative, will attend the meeting.

   h. The name and telephone number of the departmental contact for the employee to call to confirm attendance.

### B. PERIOD BETWEEN NOTICE AND THE PRE-TERMINATION MEETING

During the period between notice and the pre-termination meeting, Heads of Department or Designees shall place employees on administrative leave with pay or maintain the employee's current pay status. However, in the event of a request by the employee or the employee's representative for a continuance of the initial pre-termination meeting date, the County will extend the employees administrative leave for a period not to exceed seven (7) workdays.

### C. PRE-TERMINATION MEETING

1. The Head of Department or Designee shall preside over the meeting.

2. The Human Resources Director or one or more designees, the County Attorney or designee, and the employee's supervisor should attend the meeting.

3. The meeting shall be conducted informally.

4. The Head of Department or Designee will convene the meeting and will explain that the purpose of the meeting is to protect the employee from erroneous or arbitrary decision and to hear the employee's response to the reasons stated for the proposed dismissal.

5. The employee shall be permitted to rebut or otherwise respond to the reasons stated for the proposed dismissal, and may submit relevant evidence, orally or in writing, at the meeting.

6. After considering all relevant evidence, the Head of Department or Designee shall decide whether to dismiss the employee or take other appropriate action

7. If the Head of Department or Designee decides to dismiss or otherwise discipline the employee, the employee will be informed of his or her right to appeal or grieve that decision.

8. Any dismissal or discipline will be effective immediately unless otherwise stated by the Head of Department or Designee.

## 7.4 EMPLOYEE GRIEVANCES

### A. DEFINITION AND SCOPE

Permanent status employees within the Merit Service may file grievances on disciplinary actions, involuntary demotions, failure to be promoted and disputes involving the applications of the Merit Rules and other policies and procedures, with the following exceptions:

1. Contents of policies, procedures, rules, and regulations.

2. The methods and means by which work activities are carried out, including work location and schedule.

3. Performance Reviews.

4. Counseling forms or memos of counseling.

5. Pay policies and the assignment of pay grades and salary ranges.

6. Discharges and layoffs, which are appealable to the Personnel Appeals Board.

7. Job classification disputes, which are appealable by the Head of Department or Designee to the County Administrator, whose decision shall be final.

8. Discrimination complaints which are filed with the Fair Employment Programs section of Human Resources.

**B. PROCEDURE**

1. Prior to initiating a grievance under this process, the employee shall discuss the problem with his/her immediate supervisor who shall try to resolve the issue with the employee.

2. If the issue is not resolved by the employee's immediate supervisor, the employee submits the grievance to the Human Resources Director within five (5) working days of the event giving rise to the grievance. The Human Resources Director or designee determines whether the issue is grievable under this procedure. To the extent possible, the Employee Relations staff attempts to resolve the issue at this step.

3. For a grievance to be processed, it must be submitted on the official grievance form, MS# 213.

    a. STEP I: The grievance is presented in writing on the official grievance form to the immediate supervisor within five (5) working days of the date the employee was notified by the Human Resources Department that the issue is grievable. The supervisor shall meet with the employee and reply in writing on the grievance form within five (5) working days.

    b. STEP II: If the grievant is not satisfied by the STEP I response, the grievance is presented to the Division Head. If applicable within five (5) working days, the Division Head shall meet with the employee, investigate the grievance, and reply in writing on the grievance form within five (5) working days.

    c. STEP III: If the grievant is not satisfied by the STEP II response, the grievance is presented to the Department Head within five (5) working days. The Department Head shall meet with the employee and reply in writing on the grievance form within five (5) working days.

    d. GRIEVANCE COMMITTEE: If the grievant is not satisfied by the STEP III response, the grievance is presented to the Human Resources Director within five (5) working days. The Human Resources Director will convene a Grievance Committee to meet with the

grievant, investigate the grievance, and submit a written report with recommendations to the Human Resources Director.

## C. TIME FRAMES

Failure of the employee to comply with the time constraints outlined is considered a voluntary withdrawal of the grievance. Failure of a management representative to comply with the time constraints outlined above will result in the grievance being processed to the next level.

## D. GRIEVANCE COMMITTEE

### 1. PURPOSE

The Grievance Committee serves as a hearing body for those grievances not resolved at the final departmental level (Step III).

### 2. FUNCTION

The Employee Relations staff serves in an advisory capacity to the Grievance Committee. As often as possible, meetings and interviews are conducted during regular working hours. Any employee requested to appear before the Grievance Committee shall hear the facts of the case on an informal, unstructured basis and will arrive at a conclusion based on a majority vote of the members.

### 3. STRUCTURE

The Grievance Committee shall be composed of a minimum of five (5) active members, all of whom are current County employees from departments other than that of the grievant. These five (5) active members, as well as an additional five (5) alternate members, are appointed by the County Administrator for Grievance Committee service extending over a period of twelve (12) months. At the end of each 12-month period, the County Administrator will establish a renewed list of Committee delegates for the coming year. Grievance Committee members may not serve more than a cumulative total of three years. All members called upon to serve on a Grievance Committee shall be charged with the responsibility of objectively hearing the case as neutral determiners of fact and just cause.

Grievance Committee hearings will normally be scheduled by the Human Resources Director or designee once each month, but may be convened more/less frequently depending upon necessity. Furthermore, these proceedings shall be conducted in a public setting so as to comply with any applicable legal statutes and/or regulations. As an informal peer procedure, legal representation is not allowed.

The Human Resources Department/Employee Relations will oversee and administer the Grievance Committee process, including any necessary training of all active and alternate Committee delegates. An Employee Relations staff member will act as Chairperson with the following duties and responsibilities:

a. In conjunction with the grievant's department, arranges for a suitable meeting place at which to conduct the grievance hearing and coordinates other logistical factors (e.g., meeting date, time) with all participants, including any witnesses scheduled to provide testimony.

b. Maintains the integrity of the process and ensures that the grievance hearing is conducted in an orderly, professional manner.

c. Assures that a proper record of the grievance proceeding is created for Human Resources Department files.

d. Documents the summary findings and recommendations of the Grievance Committee, including the signatures of a majority of the members.

e. Assures that the Grievance Committee's documented summary report is submitted to the Human Resources Director for final approval.

4. **AUTHORITY**

a. The Grievance Committee is established as the final hearing body of all matters determined to be grievable. Based on the evidence presented, the Grievance Committee has the authority to uphold, modify, or deny any grievance. The recommendation of the Grievance Committee is submitted to the Human Resources Director, who reviews the Grievance Committee's report and ensures that the decision complies with budgetary, legal, and Merit System requirements. If the Grievance Committee deliberations result in a tied vote, the department's discipline will be upheld.

b. If the Grievance Committee's recommendation complies with the above requirements, the grievance is finalized. If the Human Resources Director finds the recommendation does not comply with one or more of the above requirement, the Human Resources Director may return the grievance to the Grievance Committee for further review, or amend the portion of the recommendations to be in compliance.

c. The record of the grievance, including the Grievance Committee report, is maintained in the Human Resources Department separate from the employee's official personnel file.

## 7.5 APPEAL PROCEDURE: DISCHARGE OR LAYOFF

**A.** Any permanent status employee within the Merit Service who is discharged or laid off from his/her position may submit a written request for a hearing before the Personnel Appeals Board. Such hearing requests shall be submitted to the Human Resources Director within five (5) working days from the effective date of the adverse action.

**B.** The employee will be notified by the Human Resources Department of the date of the Personnel Appeals Board hearing at least 14 days in advance of such date. In the event, the employee does

not appear, the employee's right to appeal shall be considered waived, and the County's decision to terminate or layoff shall be upheld.

**C.** The Personnel Appeals Board shall have the authority to sustain, modify, or overturn the charges based on the evidence presented at the hearing. The Personnel Appeals Board also has the authority to award reinstatement and back pay.

1. If the Personnel Appeals Board finds that the charges are not sustained, it may order the employee to be reinstated retroactively. In cases when ordering reinstatement with back pay, the amount of back pay may not exceed an amount greater than the amount of compensation, which would have accrued between the date of separation of employment and the date of the first scheduled meeting.

2. If the Personnel Appeals Board finds that the charges are sustained the separation of employment or layoff will remain in effect as originally imposed.

3. In discharging the responsibility of having final authority in adjudicating appeals, the Personnel Appeals Board shall remain cognizant of the rights and responsibilities of employees and the responsibility of management to provide efficient and high-quality service to the citizenry of Palm Beach County.

## RULE 8

## LAYOFF

### 8.1 GENERAL PROVISIONS

It is incumbent upon every Head of Department or Designee of the County to provide the highest quality service in the most efficient manner consistent with fair treatment of both citizens and employees. Changes in Palm Beach County program priorities, organization changes, shortages of work, or funds may necessitate the layoff of existing employees. In no event shall the layoff procedure be used to circumvent the prescribed manner for discharging an employee for disciplinary reasons or for unsatisfactory job performance. Employees in positions funded by grants of a fixed or limited duration may be laid off without Merit retention rights if grant funding ceases. Bargaining unit employees covered by the CWA should refer to the Collective Bargaining Agreement for additional information.

### 8.2 ORDER OF LAYOFFS

**A.** Heads of Department or Designees will designate the work unit and job classification to be affected by the layoff. The work unit could be the department, a division of the department, or a specific program within a department or division.

**B.** The order of layoff will be by work unit and job classification in the following sequence:

1st temporary
2nd probationary
3rd permanent part-time, and
4th permanent full-time in order of seniority, if equal in skill, ability, or employment record.

Seniority is defined in Rule 2 "Definitions."

**C.** Preference for retention will be given to Veterans who submit proof of discharge from active duty in time of war.

### 8.3 RETENTION/RECALL RIGHTS

**A.** No permanent status employee shall be laid off while another employee without permanent status is retained within the same classification or classification series within the department where the layoff is to occur.

**B.** Every attempt shall be made to place employees in other vacant positions at the same or lower pay grade for which they are qualified within the same department and, if not successful, in other departments of the County.

**C.** Employees who are laid off shall have recall rights into the same job classification from which they left for one (1) year. If recalled, the employee's seniority date for vacation accrual purposes and pay rate at time of separation will be reinstated.

### 8.4 SELECTIVE RETENTION

When a Head of Department or Designee believes a certain employee is essential to the efficient operation of the department or work unit or, if the affected employee has greater skill, ability, or employment record than those of employees of the same classification, the employee may be selectively retained upon approval by the Human Resources Director.

### 8.5 NOTICE OF LAYOFF

Employees will be given a written 60-day notice of layoff. Employees who are given official notice of layoff shall be advised of their right to an appeal hearing under the provisions of Merit Rule 7. The grounds for such appeals are limited to whether the Merit Rules and layoff procedures were followed and whether employees were afforded all retention rights due them, if any.

### 8.6 DEMOTION IN LIEU OF LAYOFF

If demoted to a position one (1) pay grade lower, an employee's rate of pay will be reduced by 3% or to the maximum of the new range, whichever is lower. If demoted to a position two (2) or more pay grades lower, the rate will be reduced by 6% or the maximum of the grade, whichever is lower.

## RULE 9

## LEAVE BENEFITS

### 9.1 GENERAL PROVISIONS

The Board desires to alleviate the hardships caused by illness and death and, therefore, offers employees paid Sick Leave and Compassionate Leave to meet those circumstances. The Board also recognizes the employee's need for an annual period of rest and relaxation and offers employees Vacation Leave. In addition, for specific needs, employees may be authorized Administrative Leave (with pay), Leave of Absence (with or without pay) for family, medical, educational, or personal reasons, Paid Parental Leave, Military Leave, Worker's Compensation Leave, and Holiday Leave. Bargaining unit employees covered by the CWA should refer to the Collective Bargaining Agreement for additional information.

### 9.1.2 DISCRETIONARY LEAVE

To accommodate various employee needs throughout the year, Palm Beach County (County) will provide three (3) discretionary days (24 hours) annually. Employees may use these days for any purpose, including religious observances, personal holidays, vacation, or other personal needs.

a) Employees must be employed with the County for at least one (1) year to be eligible for discretionary days; and,
b) Discretionary days must be used within the same calendar year in which they are issued and may not be carried over, rolled over, or paid out.

For the current calendar year (2026), the discretionary bank will be effective September 4, 2026, through December 31, 2026 and, only two (2) discretionary days (16 hours) will be available through December 31, 2026. A new discretionary bank will be issued effective January 1, 2027, and each year thereafter in January.

### 9.2 SICK LEAVE

#### A. ACCRUAL OF SICK LEAVE

1. Sick leave is earned bi-weekly, and the accrual is based on 10% of an employee's scheduled hours per week, not to exceed 40 hours per week, times 26 pay period. For example:

   - 16 hours per week equals 41.6 hours of sick leave per year.
   - 40 scheduled hours per week equals 104 hours of sick leave per year.

2. The maximum accumulation of sick leave is unlimited.

3. Employees will not accrue sick leave in any bi-weekly pay period in which more than one-half of their bi-weekly schedule is reported as leave without pay (LWOP).

4. A new employee shall start accruing sick leave after one (1) full pay period.

**B. USE OF SICK LEAVE**

1. **NOTIFICATION**

   a. The employee, or a member of the employee's family, must notify the employee's immediate supervisor or designee in a timely manner each day of the employee's illness. If absent for more than three (3) consecutive workdays without notification, the employee will be recommended for termination.

   b. Employees on approved long term medical leave (leave longer than 3 consecutive days as verified by the Occupational Health Clinic) must make monthly contact with their supervisor or designee during this absence.

2. **OCCUPATIONAL HEALTH CLINIC**

   a. Employees may be granted up to a maximum of six (6) consecutive months of leave for medical reasons based on verification by the Occupational Health Clinic.

   b. In the process of medical screening the nurse and/or County physician can refer an employee returning to work to their personal physician or other medical facility, for a release to work, if a condition is found causing the Occupational Health Clinic to reasonably believe that such action is in the best interest of the employee or others.

   c. Employees absent for an illness of three (3) or more consecutive work days must report to the Occupational Health Clinic for written clearance and bring a note from their physician stating ability to return to regular duty, or indicating any limitations.

   d. If employees return to work on a day the Occupational Health Clinic is closed, they must obtain the written clearance before the next duty day.

3. All employees will be charged the number of their regularly scheduled daily hours for each workday of sick leave. If employees are on long-term medical leave (consecutive leave over 3 days) and exhaust sick leave balances, vacation leave or any other paid leave balances will be used before putting the employee on leave without pay. Employees may not take leave in the same pay period in which they earn it. Any leave taken must have been recorded on the prior pay period check.

4. Sick leave cannot be used for vacation or conducting personal business. Accumulated sick leave credits may be applied to the following:

   a. Absences due to personal illness or injury.

b. Illness in the immediate family requiring the employee to render assistance. Immediate family as defined by FMLA and includes domestic partner and qualified dependents as recognized by County ordinance.

c. Funerals when compassionate leave does not apply or to extend compassionate leave.

d. Off-the-job injury.

e. Medical and dental appointments.

f. Worker's Compensation injuries as a supplement up to the employee's average wages. However, sick leave may not be taken in lieu of Worker's Compensation.

### C. PAYMENT FOR UNUSED SICK LEAVE CREDITS

1. In the event of the death of an employee, payment of 100% of his/her unused sick leave will be made to the employee's beneficiary, estate, or as provided by law.

2. Employees meeting Florida Retirement System vesting requirements who must retire due to disability shall be eligible for payment of all unused sick leave, provided the employee submits to the Occupational Health Clinic two (2) independent clinical statements from licensed physicians certifying the employee's total disability, as defined under the Florida Retirement System.

3. Employees hired before 10/01/1994 who voluntarily resign in good standing after completing ten (10) or more years of continuous, unbroken County service are eligible to be paid 50% of their unused sick leave, not to exceed 500 hours or the amount they would have been paid as of September 30, 1994, had they resigned on the that date, whichever is greater.

4. All employees hired as of 10/01/1994 will be paid for 10% of accrued sick time after ten (10) years of employment not to exceed 500 hours.

5. The effective date of payment of all accrued leave credits is the closest payday following the date of separation from the County Service.

## 9.3 VACATION LEAVE

### A. ACCRUAL OF VACATION LEAVE

1. Vacation leave accrual for full-time employees is as follows:

| Years of Employment | Hours per Pay Period |
|---|---|
| First year | 4.00 hours |
| Beginning of second through completion of fifth year | 4.62 hours |
| Beginning of 6th year | 4.93 hours |

| | |
|---|---|
| Beginning of 7th year | 5.24 hours |
| Beginning of 8th year | 5.54 hours |
| Beginning of 9th year | 5.85 hours |
| Beginning of 10th year | 6.16 hours |

2. Permanent part-time employees will earn pro-rated vacation hours based on their scheduled hours per week. Part-time employees can calculate the amount of vacation hours they will accrue each pay period by dividing their scheduled hours per week by 40 and multiplying the result times the vacation hours accrual of a full-time employee.

   **For example:** 30 divided by 40 = .75 times 6.16 (accrual for a 10 year employee) = 4.62 hours per pay period.
3. Employees who are paid less than their weekly schedule will have their vacation accrual pro-rated for the period.

   **For example:** a ten (10) year employee who is docked eight (8) hours of pay would accrue 5.54 hours instead of 6.16 hours (8 hours divided by 80= 10% reduction in the accrual).

4. Vacation accruals are reflected in the employee's paycheck the week following the end of the pay period. Employee cannot take more vacation time than is shown as a balance on their last paycheck.

5. No vacation leave shall accrue to employees in any bi-weekly pay period in which more than one-half (1/2) of their bi-weekly schedule is reported as Leave without Pay (LWOP).

6. A new employee shall begin accruing vacation leave after one (1) full pay period.

7. The maximum accumulation of vacation leave that can be carried over from one calendar year to another is 400 hours. Any employee who has accrued vacation leave in excess of 400 hours at the end of the last pay period of each calendar year shall forfeit the excess leave, and the vacation leave balance shall automatically be reduced to 400 hours.

   **Exception:** Employees who have requested leave and because of documented extenuating circumstances have not been able to use excess vacation leave during the year will be allowed to carry over the excess time to the next calendar year.

8. Irregular, seasonal, or work-peak variation in hours worked are disregarded in computing vacation hours accrued.

**B. USE OF VACATION LEAVE**

1. **NOTIFICATION**

   a. No vacation leave may be taken without prior approval by the employee's immediate supervisor. Employees may be required to take leave without pay if they have not given

proper notice. If absent more than three (3) consecutive days without notice, employee may be terminated.

b. Heads of Department or Designees may not take vacation leave without prior approval of the County Administrator or designee.

2. All employees are charged the number of their regularly scheduled daily hours for each workday used for vacation leave.

3. Vacation leave may be granted to attend funeral of friends or family not covered by the definition of immediate family.

4. Vacation leave is to be used for personal religious holidays other than those specified as legal holidays.

5. Vacation leave is to be used to transact personal business which cannot be transacted except during working hours.

**C. PAYMENT FOR UNUSED VACATION LEAVE CREDITS**

1. Payment of all accrued vacation leave credits is effective the payday following the date of separation from County Service.

2. In the event of the death of an employee, all payment for accrued vacation leave will be made to the employee's beneficiary, estate, or as provided by law.

**9.4 HOLIDAY LEAVE**

**A.** Recognized holidays, including the national "Monday Holidays" are:

1. New Year's Day
2. Martin Luther King Day (third Monday in January)
3. President's Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Juneteenth
6. Independence Day
7. Labor Day (first Monday in September)
8. Columbus Day (second Monday in October)
9. Veterans Day (November 11th)
10. Thanksgiving Day
11. Christmas Day

**B.** Two "floating" holidays may be added to the above at the discretion of the Board of County Commissioners.

**C.** Holiday pay is calculated at eight hours for each holiday based on a 40-hour workweek.

**D.** Permanent part-time employees, working 20 hours per week or more, will receive holiday pay on a pro-rated basis.

**E.** Holidays occurring on Saturday normally are observed on the Friday preceding the holiday. Holidays occurring on Sunday normally are observed on the Monday following the holiday.

**F.** If a holiday occurs during a vacation period, the holiday is not charged against vacation leave.

**G.** Employees on Workers' Compensation receive the Workers' Compensation rate on a holiday.

**H.** Employees must be in pay status the scheduled workday before and after a holiday to be granted holiday pay.

**I.** Non-permanent employees are not eligible to receive holiday pay.

### 9.5 COMPASSIONATE LEAVE

**A.** In the event of a death in the employee's immediate family, four (4) consecutive scheduled workdays of compassionate leave may be granted for the services/observation of the deceased. Only one period of compassionate leave shall be granted for each deceased family member. Such leave will be for four (4) consecutive workdays during which the employee would have been scheduled to work. The employee shall provide verification for the compassionate leave for approval. Any additional time needed will be charged against sick leave.

**B.** For the purposes of this section only, the definition of IMMEDIATE FAMILY includes mother, father, sister, brother, children, stepchildren, stepparents, grandparents, grandchildren, spouse, mother-in-law, father-in-law, domestic partner, and eligible dependents of a domestic partner.

### 9.6 ADMINISTRATIVE LEAVE (WITH PAY)

**A.** Heads of Department or Designees may place an employee with pay pending an investigation, prior to a Pre-Termination meeting or when deemed necessary to the best interests of the County.

**B.** Leave with pay is granted if an employee shows the Head of Department or Designee a summons for jury duty or a subpoena to appear as a witness, or as an expert witness on behalf of the County on a regularly scheduled workday provided the employee is not a party to the lawsuit or has a personal interest in the matter, and shall not be charged against vacation leave. Upon release from jury duty, an employee must obtain a Return to Work certificate of jury duty service with a timestamp of release from service. Employees receiving payment for witness fees and expert fees on behalf of the County must turn the payment in to the Clerk of Circuit Court Finance Department.

**C.** Employees who wish to donate blood are permitted to take up to two (2) hours off with pay in order to donate; limited to one occurrence per six (6) months. The employee shall provide verification of the leave donation.

**D.** For attendance at parent-teacher meetings, employees are permitted to take up to two (2) hours leave with pay. Such leave must be approved in advance by the employee's immediate supervisor. Two (2) meetings per year, four (4) hours total per year per child is the maximum allowable under this policy. Official documentation from the school that the meeting occurred is required.

**E.** Employees wishing to volunteer in classrooms are permitted to do so by flexing their work schedules when possible. Four (4) hours per month is the maximum allowable. Supervisory permission is required, and employees must flex their schedules within the same workweek. (Under the Fair Labor Standards Act, time cannot be made up in a different workweek.)

## 9.7 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The County allows leaves of absence for individual employees, their eligible family members, and service members consistent with the provision of the Family and Medical Leave Act of 1993, as amended (FMLA), and related County Policies.

## 9.8 LEAVE OF ABSENCE (WITH OR WITHOUT PAY)

### A. EDUCATIONAL LEAVE

1. After one (1) year of employment, up to six (6) months of leave of absence without pay may be granted for education or training that would be of mutual benefit to the individual and the County. The leave of absence must be approved by the Head of Department or Designee, Human Resources Director, and County Administrator, or their designees.

2. Employees on an educational leave of absence may expend their vacation leave credits prior to being placed on leave without pay. Their unused leave will be reinstated upon return to duty.

### B. PERSONAL LEAVE

1. No leave without pay is granted for personal reasons when an employee has a chargeable balance of vacation, compensatory or incentive leave. Such requests are charged to vacation, compensatory, incentive leave balances.
2. Employees with no vacation, compensatory or incentive leave balances who need to take time off for personal reasons may be granted up to six (6) months of leave without pay by their Head of Department or Designee.
3. Employees may not accrue vacation or sick leave while on leave of absence without pay.

## 9.9 MILITARY LEAVE

**A.** Employees who volunteer, are drafted, or are recalled to active duty in the military service receive the rights and privileges authorized by federal military and Veteran's laws with respect to leave, status, and re-employment.

**B.** Employees who are members of a military reserve unit or National Guard unit must present to their Head of Department or Designee their orders for annual field duty. They will receive military leave with pay pursuant to Florida Statute §115.

**C.** A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by the County on the basis of that membership, application for membership, performance of service, application for service, or obligation.

### 9.10 WORKERS' COMPENSATION LEAVE

For a work-related injury or occupational illness, the Board of County Commissioners pays the employee's full salary up to one (1) week of disability consistent with applicable statutes.

### 9.11 DOMESTIC OR SEXUAL VIOLENCE LEAVE

**A.** An employee who is the victim of domestic or sexual violence or whose family or household member is the victim of domestic or sexual violence may take leave pursuant to Florida Statute §741. To be eligible for Domestic Violence or Sexual Violence leave, the employee must have been employed for the minimum period specified in the Statute.

**B.** Domestic Violence or Sexual Violence leave may be used for seeking an injunction, obtaining medical care or mental health counseling, obtaining services from a victim services organization, securing the employee's home or seeking new housing, or seeking legal assistance.

## RULE 10

## OUTSIDE EMPLOYMENT OR BUSINESS

### 10.1 DEFINITIONS

#### A. CONTRACTUAL RELATIONSHIP

Involved as a member, official, director, proprietor, or partner in a business.

#### B. OUTSIDE EMPLOYER OR BUSINESS

Any entity, other than the County of which the employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced. For purposes of definition, "compensation" does not include reimbursement for necessary expenses, including travel expenses; or

Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the employee's latest federal tax return.

### 10.2 GENERAL PROVISIONS

Outside employment, including self-employment, or contractual relationship in a business as a member, official, director, proprietor, or partner will not be permitted if there is a conflict of interest with County employment. Any employee having outside employment or involvement in a business shall comply with the relevant provisions of Florida Statute § 112 and the Palm Beach County Code of Ethics.

Provisions of the Merit Rules governing outside employment or contractual relationships in a business are constructed pursuant to Palm Beach County Code of Ethics and Florida Statute § 112, as amended. Any conflict between the Merit Rules and the controlling authorities will be resolved in accordance with the Code of Ethics and Florida Statutes as appropriate.

### 10.3 PROCEDURES

Employees who have outside employment or are in a contractual relationship in a business must submit to their Head of Department or Designee written notification containing 1) the Name and Address of the Outside Employer or business; 2) if working for an outside employer the date of hire, or if involved in a business, the date of incorporation or the date contractual relationship commenced with the business; 3) the product(s) or service(s) provided by the business or the outside employer; 4) the actual work schedule, or required time commitment, and indication of whether schedule is fixed or fluctuating; and 5) anticipated length of employment or involvement

in the business. Notice of outside employment must be provided before commencing employment with that employer, or upon hire by the County. Notice of a contractual relationship with a business must be provided prior to incorporation of the business or upon confirmation of the employee's association with the business. The Head of Department or Designee shall review the notification to ensure that no conflict exists.

**10.4 RESTRICTIONS**

**A.** Employees with outside employment or involved in a business cannot engage in activity related to their outside employment or business in any manner that interferes with performance of their County job. Activities required of the employee's outside employment or business cannot be conducted while on County time or on standby status. They cannot use County facilities, equipment or supplies, or wear a County uniform or display other insignia identifying them as County employees while employed outside the County or involved in a business.

**B.** No employee is permitted to work in two (2) different County positions which are funded by the Board of County Commissioners and paid for by the Payroll Section of the Finance Department.

## RULE 11

## NEPOTISM

### 11.1 DEFINITIONS

The definitions of the following terms are solely for the purposes of this section of the Merit Rules:

**DOMESTIC PARTNER** is an adult, unrelated by blood, with whom an unmarried or separated employee has an exclusive, committed relationship and maintains a mutual residence.

**EMPLOYEE** includes, but is not limited to all Managers, Heads of Departments of designees, and personnel of the County. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body.

**HOUSEHOLD MEMBER** includes anyone whose primary residence is in the employee's home, including non-relatives who are not rent payers or employees of the head of the household.

**RELATIVE**, for the purposes of this section, means an individual who is related to an employee as father, mother, son, daughter, brother, sister, uncle, aunt, cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister, grandparent, grandchild, step grandparent, step grandchild, person who is engaged to be married to the employee or who otherwise is a household member of the employee or anyone who stands or stood in loco parentis to a County employee.

### 11.2 GENERAL PROVISIONS

**A.** Provisions of the Merit Rules prohibiting nepotism are constructed pursuant to Palm Beach County Code of Ethics Section 2-445, as amended and Florida Statute § 112, as amended. Any conflict between the Merit Rules and the controlling authorities will be resolved in accordance with the Code of Ethics and Florida Statute as appropriate.

**B.** A County employee may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the County in which, the employee is serving over which the employee exercises jurisdiction or control any individual who is a relative or domestic partner of the County employee.

**C.** An individual may not be appointed, employed, promoted, or advanced in or to a position in the County if such appointment, employment, promotion, or advancement has been advocated by an employee, serving in or exercising jurisdiction or control over the County, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

**D.** Mere approval of budgets shall not be sufficient to constitute jurisdiction or control for the purposes of this section.

**E.** Prior to the employment of a relative or domestic partner, the Human Resources Director must determine that no managerial conflict exists.

## RULE 12

## PERFORMANCE REVIEW

### 12.1 GENERAL PROVISIONS

Permanent status Merit System employees may be evaluated periodically on a job-related basis to provide information for:

**A.** Supervisors to assess the adequacy of individual performance in relation to job performance requirements.

**B.** Employees to recognize their own performance improvement needs.

**C.** Correcting inadequate performance.

**D.** Decisions on transfer, demotion, or separation of employees whose performance continues to be inadequate after reasonable efforts have been made to correct it.

### 12.2 RESPONSIBILITY

**A.** Employee performance is reviewed by the immediate supervisor, who is also responsible for administering any discipline to ensure consistency between the performance review process and the disciplinary process under these Merit System Rules.

**B.** The Human Resources Department is responsible for providing training and assistance to supervisors in conducting a performance review process, including monitoring the performance reviews to ensure compliance with Merit System policy.

### 12.3 NEEDS IMPROVEMENT REVIEW AND PERFORMANCE IMPROVEMENT PLAN

**A.** Needs Improvement Reviews are completed anytime there is a documented serious deficiency in the employee's performance. The Needs Improvement Review will be issued after the employee has been placed on notice of performance deficiencies and has been provided an opportunity to improve his/her performance.

**B.** A permanent employee who has not demonstrated a proficient or acceptable level of performance must have a Needs Improvement Review and a written Performance Improvement Plan explaining the specific areas requiring improvement and what the employee must do to improve. The Needs Improvement Review and the Performance Improvement Plan must be reviewed and approved by Human Resources prior to being issued to the employee.

**C.** The employee will be placed on probation for three (3) months. This probationary period can be extended upon approval of the Head of Department or Designee, but no extension shall be allowed that would make this total probationary period longer than six (6) months.

**D.** Failure to improve to a satisfactory level will result in demotion or termination of employment.

**12.4 GRIEVABILITY**

An employee's placement on a Needs Improvement Review is not subject to the grievance procedure.