# Key West Civil Service Board

# Rules and Regulations

July 2011

## CIVIL SERVICE BOARD

Ray Limbert, Chairperson

Timothy Atwell, Vice Chairperson

Mark Albury, Board Member

George Cabanas, Jr., Board Member

Thomas D. Mack, Board Member

Claire Hurd, Clerk of the Board

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## RULE I. ADMINISTRATION

A. Board Members Appointed

1. Nomination, appointment and qualification of members of the Civil Service Board (the "Board") are governed by Key West City Charter Article V and Key West Code of Ordinances, Chapters 2 and 50.

B. Meeting Schedule

1. Regular meetings of the Board shall be held at least once per quarter (Code of Ord., Section 50-58), at a time and location selected by the Board. The Board shall set a schedule for regular meetings at its annual organizational meeting in December of each calendar year. At any special or regular meeting the Board may set a future meeting date.

2. In accordance with Sec. 2-285 of the Code of Ordinances, notice of regular meetings shall be published in a newspaper of general circulation in the city at least five (5) days in advance thereof. Notice of meetings shall be publicly posted at City Hall, and on bulletin boards in the offices of human resources, police and fire, and sent to each board member, and board liaison.

3. Special meetings may be called by the chairperson or by written notice of three voting members. Reasonable notice of a special meeting shall be posted; notice of a special meeting shall be published in a newspaper of general circulation in all instances when time allows (Code of Ord. Section 2-287.). The board shall convene a special meeting for the purpose of hearing an appeal for any other specified Board business purpose.

4. Scheduling of a special meeting shall be made within fourteen (14) days of notification to the Board of an appeal. The Board shall set a date as soon as reasonably practicable for all parties.

5. Postponement or cancellation of a regular or special meeting shall be by majority vote of the Board.

6. The order of business at a regular meeting shall be as follows: Call to Order, Pledge of Allegiance, Roll Call, Approval of Minutes, Chairperson's Report, Old Business, New Business and Adjournment, or as otherwise agreed upon by the Board.

7. Board meetings and hearings shall be governed by Robert's Rules of Order and by law.

C. Rules and Regulations

1. Annually, in accordance with section 50-91 of the Code of Ordinances, the Board shall submit its proposed rules and regulations to the City Commission for review and approval. The City Attorney may, from time to time, propose for City Commission approval additional substantive rules and regulations.

2. To the extent of any conflict between the City's Charter, Code of Ordinances, collective bargaining agreements, Personnel Policy and Procedures Manual and these Rules and Regulations, the Charter, Code, collective bargaining agreements or Personnel Policy and Procedures Manual shall prevail.

3. These Rules and Regulations shall supersede and repeal all preceding Rules and Regulations of the Board.

## II. EMPLOYEE CLASSIFICATION; BOARD JURISDICTION

A. Classification of Positions

1. Classification of positions shall be provided in the Personnel Policy and Procedures Manual.

B. Employees Exempt from Jurisdiction of Board

1. The following employees are exempt from the jurisdiction of the Board:
   a. elected officials,
   b. probationary employees, temporary employees, to the extent set forth in the Personnel Policy and Procedures Manual and Collective Bargaining Agreement.
   c. contractual employees, unless otherwise stated in writing,
   d. employees whose grievance shall be determined in accordance with their collective bargaining agreement, and
   e. other employees as set forth in Section 50-27 of the Code of Ordinances

## III. TESTED POSITIONS; APPLICATIONS

A. Tested Positions

1. Unless otherwise authorized by Resolution of the City Commission, the Board shall provide examinations only for applicants for the positions of lieutenant and sergeant in the Police Department and driver/engineer and captain in the Fire Department. Examinations shall test both general knowledge and knowledge specific to the position sought.

B. Notice of Examinations

1. Promotional examinations are initially noticed at the start of the calendar year, as per Rule IV.C.1, or in accordance with a collective bargaining agreement, and study materials shall be identified at such time or at a reasonable time thereafter.

2. Formal notice of promotional examinations shall be posted in City Hall as well as in the Department affected for a period of four (4) weeks prior to each examination. Such notice shall give date and character of examination and shall indicate the class or rank of those eligible. The notice shall specify that applicants for promotional examination shall

register with the Clerk at the office of the Clerk of the Board during the four (4) week period specified above and not less than eight (8) business days before the scheduled testing date.

3. The Clerk shall send individual notice via inter-office mail of the exam to each candidate named on the eligibility list which is supplied by the affected Department. The affected Department shall forward notices by U.S. Mail or by hand-delivery to the most current known address of candidates who are on authorized leave during the registration period.

C. Filing of Examination Applications

1. Applications for promotional examinations must be filed in writing with the Clerk of the Board in person, by U.S. mail or interoffice mail, during the four (4) week period prior to the scheduled test date, but in no event less than eight (8) business days before the scheduled test date for the applicant to be eligible for testing.

2. Applications may be denied or disqualified in the event the candidate does not meet eligibility standards as provided in Section III.D. and E.

D. Basic Eligibility

1. Police Department: Subject to eligibility and verified by Police Dept and Human Resources, every applicant shall be of good character and, subject to applicable state and federal employment laws, have the mental and physical ability to perform the duties of the position. Applicants shall provide the Police Department with such certificates of competency or other licenses, as the law requires, as evidence of the necessary education, training or experience for the position.

2. Fire Department: Eligibility shall be determined by the Fire Department and Human Resources, in accordance with the collective bargaining agreement.

E. Disqualification

1. Police Department: Consistent with federal, state or local law, the Board may refuse to examine an applicant or may after examination refuse to certify an applicant who:

    a. is found to lack any of the established minimum requirements of the position for which he or she applies; or

b. is physically unfit and fails to pass a required medical examination for the position to which he or she seeks appointment; or

c. is addicted to the use of intoxicating beverages to excess, or to the use of drugs; or

d. has been dismissed from the public service or from other employment for delinquency or other good cause; or

e. has made a false statement to the Board of any material fact; or

f. has practiced or attempted to practice any deception or fraud in his/her application or examination, or in securing his eligibility or appointment; or

g. has used or threatened to use, or attempted to use political influence in securing employment, reemployment or promotion.

2. Fire Department: Consistent with federal, state or local law, the Board may refuse to examine an applicant or may after examination refuse to certify an applicant who is determined to be ineligible in accordance with the collective bargaining agreement.

F. Admission to Examinations

1. Examinations shall be administered at a facility conducive to testing.

2. All persons scheduled to take the examination shall report to the scheduled test site at least 15 minutes prior to the announced time. Late arrivals may not be seated at the discretion of the person administering the exam.

3. Identification (driver's license or City identification badge) is required for admission to the testing site.

4. Any applicant who fails to report on the scheduled test date must wait until the next scheduled examination to be tested.

G. Reporting Examination Results

1. Each examination shall be graded on a basis of a 100 point score. Any person obtaining a score of 70 or higher shall be placed on an eligibility list for that position, unless certification requires an additional requirement for the position.

2. Appropriate scientific procedures shall be used in rating results of the examinations and in determining relative ratings. After it has been determined that the applicant's examination score is seventy (70) or more, seniority preference points (as defined in section V.B.1) shall be added to that score if applicable.

3. Each applicant shall be given written notification of the preliminary results of the examination for review.

4. After the Board accepts the results as final, a copy of the results shall be placed in the applicant's personnel file.

5. Applicants who fail the examination may reapply for the next scheduled examination.

H. Review Procedure

1. An applicant may inspect his/her examination after taking the examination and receiving his/her preliminary examination results. The Board shall establish a Review Date for all applicants who, within five (5) working days after notification of the results, request inspection of his/her examination in writing to the Clerk of the Board. The Board shall designate two (2) Board members to be present during the examination review. One Board member designated to be present during the examination review shall be the Review Supervisor. The Review Supervisor and other designated Board member shall ensure that applicants limit their inspection to a mere review of the questions and their incorrect answers. The applicant is not permitted to review his/her examination with any resource materials other than the reference material from which the promotional examination questions were created.

## RULE IV. EXAMINATION ADMINISTRATION

A. Testing Agent

1. The Board shall be responsible for selecting an independent person or firm responsible for creating the promotional exam from agreed upon reference materials (the "Testing Agent".)

2. The reference material for each examination shall be reviewed and agreed upon by the Chief of the Fire Department or Police Department or their designee (as applicable) to make certain it is valid and appropriate.

3. The Testing Agent shall be responsible for providing a pool of 100 or more questions from the agreed upon reference material for each promotional level of the Police Department and Fire Department subject to these Rules and Regulations.

4. Before the promotional examination questions are used for an examination, the questions must be reviewed by the Chief of that department, or a designee of the Chief, to make certain they are valid and appropriate.

5. One hundred (100) questions will be selected at random by the Testing Agent from the pool of examination questions to be used for each promotional examination. No question will be used more than once.

6. Each examination shall consist of 100 questions and be graded on a basis of a 100 maximum point score.

7. Examinations shall be preserved until any appeals are resolved and the Board accepts the scores and reports the results as final. The examination results will be made part of the permanent personnel records of each employee who takes the examination.

8. All testing material shall be secured by the Clerk of the Board. The Clerk of the Board shall ensure security and confidentiality of the examinations by proper storage in the office of the City Clerk prior to test administration and by forwarding all examinations by a traceable air courier or by registered or certified mail to the Testing Agent for grading after administration. The Testing Agent shall grade all examinations and return the results of the graded examinations to the Clerk of the Board by a traceable air courier or by registered or certified mail.

9. During the review period (see section III.H.1), applicants may submit challenges in writing to any question or answer on their examination. The Board shall forward all challenges to the Testing Agent. After review of the challenges, the Testing Agent shall report recommendations to the Board. Recommendations may include accepting more than one answer as correct, changing the answer, or deleting the question in its entirety. In light of these recommendations, the Board shall determine whether all examination(s) should be regraded. Final scores shall be based on the total number of examination items that remain, adjusted accordingly.

10. The Board may, by majority vote, invalidate an examination for all candidates if there is reasonable belief that there were significant flaw(s) in the administration process. Specific reasons for invalidating an examination may include, but are not limited to: (1) examination questions must be based solely upon pre-approved, reference material pursuant to section IV.A.2.; (2) examination questions must be pre-approved pursuant to section IV.A.4.; (3) there exists a reasonable belief that exam security was compromised before or during exam administration; (4) for fire candidates: failure of management to provide adequate study materials in a timely manner. In any instance where the Board determines an exam to be invalid, a replacement exam must be scheduled at a reasonable time thereafter.

B. Examination Procedure

1. Examinations, for security purposes, shall be administered on a weekday.

2. The Test Control Officer ("TCO"), a monitor designated by the Board, and at least one Board member will be present to monitor all promotional examinations.

3. Either the Clerk of the Board or another person as designated by the Board shall be the TCO. Responsibilities of the TCO shall include:

    a. Confidential handling of testing materials and results, including but not limited to:

        i. Ordering the testing material in appropriate quantities in time for test administration.

        ii. Receiving the testing material from the Testing Agent;

        iii. Verifying the testing material received; and

        iv. Storing the testing material in the office of the City Clerk.

    b. Authentication of all purchase requisitions for testing material after the Board's authorization to pay is secured.

    c. Adhering to all procedures set forth in these Rules to assure proper test security and handling of the testing material:

i. Testing material will be secured with the City Clerk until it is ready to be transported to the testing site.

ii. Upon completion of the examination, all testing material and answer sheets will be re-secured with the City Clerk, or returned to the Testing Agent if required.

iii. Testing material will not be moved unless it is sealed and in the presence of the TCO or Clerk of the Board.

C. Schedule of Examinations

1. Fire examinations shall be administered in accordance with the collective bargaining agreement. A scheduled test need not be given if there are no persons eligible for the test at such date or if there are no requests for the test from those eligible at such date.

2. Police exams shall be administered in accordance with the collective bargaining agreement with the schedule predetermined at the beginning of each calendar year. If there are no persons eligible for the test, or if

there are no requests for the test from those eligible at such date, a scheduled test need not be given.

3. Examinations may also be administered on an as needed basis. If there are person(s) eligible for the test and the Department(s) petitions the Board in writing and requests a testing date, the Board may, by a majority vote, schedule additional testing dates at its discretion.

D. Promotional Eligibility Lists

1. The Police Department shall maintain promotional eligibility lists for positions of sergeant and lieutenant of the Police Department. Each list shall contain the names of the persons who are deemed by virtue of the examination process to be qualified to perform the duties required by the position. The results of the promotional examination(s) will be listed in grade order and used to determine the ranking of the individuals qualifying for the promotional eligibility list. The Board shall have the right of review of all promotional eligibility lists to ensure their fairness and accuracy. In the event a vacancy occurs in a promotional position for which an eligibility list exists, the Department Head shall promote from the current promotional eligibility list before it expires, or in accordance with the applicable collective bargaining agreement or department directive.

2. Unless provided otherwise by a collective bargaining agreement, the duration of a police promotional eligibility list shall be in effect for a period of twelve (12) months. The Board may extend the life of a police promotional eligibility list by majority vote, unless such extension would conflict with a provision of a collective bargaining agreement.

3. In the event that more than one examination is administered in any twelve (12) month period, the eligibility list generated from the latest examination shall supersede any eligibility list generated prior to it.

4. The Fire Department shall maintain promotional eligibility lists for the positions of driver/engineer and captain of the Fire Department in accordance with the collective bargaining agreement. Each list shall contain the names of the persons who are deemed by virtue of the examination process to be qualified to perform the duties required by the position. The Board shall have the right of review of all promotional eligibility lists to ensure their fairness and accuracy. In the event a vacancy occurs in a promotional position for which an eligibility list exists, the Department Head shall promote from the current promotional eligibility list in accordance with the collective bargaining agreement.

## RULE V. PROMOTION

A. Advancement, Eligibility

1. Whenever a vacancy in the Police and Fire Department exists at a level above the lowest in the Department, it shall be filled in accordance with the procedures set forth in the collective bargaining agreement and departmental directives.

2. Promotional examinations shall be taken by personnel in the Fire and Police Department in the next higher step only from the position held by the individual.

3. The Police Department shall provide the Board with a list of eligible candidates based on the following conditions (subject to amendment by the Police Department collective bargaining agreements):

    a. A patrolman must be of good standing in his/her grade for three (3) years before being permitted to take the promotional examination for sergeant. In the event a patrolman has or completes an associate degree in police science or an appropriate police-related field, he/she shall be in his/her grade for two and one-half (2-1/2) years before taking a promotional examination for sergeant. In case of a bachelor's or higher degree, the time-in-grade requirement shall be two (2) years.

b. A sergeant must be of good standing in that grade for three (3) years before being permitted to take a promotional examination for lieutenant. The time-in-grade requirement shall reduce to two and one-half (2-1/2) years in grade with a police-related associate's degree; two (2) years in grade with a bachelor's degree; and one (1) year in grade with a master's degree in an appropriate field.

4. The yearly periods required for giving promotional examinations may be waived, provided no one is eligible to take a promotional examination to the next higher grade. If no one is eligible after a one year waiver, a waiver of one more year may be granted by the Board at the request of the Department Head.

5. Police Department employees may be considered eligible to take promotional examinations if they are on an authorized leave of absence. It is the duty of the employee on leave to remain in contact with the Department, to ensure that they receive schedule information and to register for the examination in accordance with procedures set forth in Section III.C.1.

6. The Fire Department shall provide the Board with a list of eligible candidates in accordance with the collective bargaining agreement.

B. Seniority

1. The weight to be given to seniority in a police promotional examination shall in no case exceed 1/10 of the total grade on an examination. Credit shall be given only for actual time in service, whether continuous or not, after making deductions for time off for personal reasons, illness, suspensions or layoffs , or as specified in the applicable collective bargaining agreement. The grade to be entered for seniority shall be obtained by consulting the following table. Seniority credit(s) shall be added to an examination score only after the applicant attains a passing grade on the examination i.e., 70 or better. Note: Periods less than six (6) months shall be ignored, while periods in excess of that, but less than one (1) year, shall be counted as whole years.

SENIORITY TABLE

| | |
|---|---|
| First six months | 0.5 |
| First full year | 1.0 |
| Second full year | 1.5 |
| Third full year | 2.0 |
| Fourth full year | 2.0 |
| Fifth full year | 3.0 |
| Sixth full year | 3.5 |
| Seventh full year | 3.5 |
| Eighth full year | 3.75 |
| Ninth full year | 4.0 |
| Tenth full year | 4.0 |
| Eleventh full year | 4.5 |
| Maximum twelve years | 5.0 |

## RULE VI. MISCELLANEOUS

A. Personnel Policy and Procedures Manual

1. Refer to the City Charter, collective bargaining agreements, Code of Ordinances, and Personnel Policy and Procedures Manual for rules on Leave, Separations, Transfers, Appeals to the Civil Service Board, Grounds and Procedures for Discipline and Dismissal, Outside Employment, Political Activity and other City rules relating to employment.

B. Papers Property of Board

1. All original papers and other documents and correspondence accumulating or resulting from the activities of the Board shall remain the property of the City of Key West, Florida, in custody of the Board, and shall be kept in the office of the City Clerk, unless otherwise specified or required by law and/or by the Test Agent(s).
2. It is generally understood that test materials are leased, not owned, by the Board, Test materials will be handled consistent with law, and test security agreements.
3. The official signature of the Board shall consist of the signature of the Chairperson and one other Board member or of three (3) Board members.

C. Rules and Regulations.

1. The rules and regulations of the Board are binding on the Board and on employees of the City subject to them. The Board may not waive or circumvent any of its rules or regulations. All rules and regulations are deemed to be substantive in nature; therefore, any change to these rules and regulations shall require approval by the City Commission, in accordance with Section 50-61 and 50-91 of the Code of Ordinances.

## RULE IX. HEARING PROCEDURE

A. Purpose.

1. The procedures contained herein shall govern all appellate hearings of the Board as provided by Chapter 50 of the Code of Ordinances.

B. Clerk of Board

1. The Clerk of the Board shall keep minutes of the proceedings; provided, however, that the Clerk's minutes shall not constitute a verbatim record of the proceedings for purposes of further appeal. The Clerk of the Board shall notify the parties prior to the hearing that each is responsible for arranging, if desired, for a verbatim preservation of the record.

2. Written submissions to the Board made prior to the hearing shall be made to the Clerk of the Board, providing the Clerk with reasonable time to forward such written submissions to the other parties.

3. The Board, by and through its Clerk, shall have the authority to subpoena witnesses.

C. Chairperson, Continuances

1. The Chairperson of the Board shall serve as presiding officer at the hearing.

2. At any time prior to the hearing, the Chairperson may grant a continuance upon motion of either the City or a grievant employee. A motion for continuance shall be accompanied by a statement of consent or opposition by the other party. No party shall be granted a second continuance except upon a majority vote of the Board. Once convened, a hearing shall not be continued except by a majority vote of the Board.

D. Proceedings

1. After the Chairperson of the Board convenes the meeting, the Clerk of the Board shall certify that the appeal was timely filed. If not timely filed, the Board shall dismiss the appeal.

2. The proceedings shall be as informal as justice and fairness shall allow.

3. The City and the grievant employee or his/her authorized representative shall be entitled to make opening statements which shall not exceed ten (10) minutes in length, unless the Board consents to additional time.

4. All testimony shall be made under oath.

5. The rules of evidence shall be informal. Hearsay may be admissible upon ruling of the Chairperson of the Board, provided that it shall be used to

supplement or explain other evidence. Hearsay evidence shall not be the substantial support of a finding of the Board. Irrelevant, immaterial or unduly repetitious material shall be excluded. Documentary evidence may be received by the Board in the form of a copy or a sworn excerpt if the original is not available.

6. The City, the grievant employee, the employee's authorized representative, the Chairperson and any member of the Board shall be permitted to question witnesses, and to question the materiality or authenticity of any evidence.

7. The City and the grievant employee or his/her authorized representative, shall be permitted to conduct cross-examination.

8. The attorney advising the Board shall rule on all points of law and admissibility of evidence, and his/her ruling shall be binding on the Board.

9. The City and the grievant employee or his/her authorized representative shall be entitled to make closing statements which shall not exceed ten (10) minutes in length, unless the Board consents to additional time.

10. After conclusion of closing statements, the Chairperson of the Board shall permit no further comment or presentation from any party. The Chairperson shall then preside during the Board's public deliberation of the merits of the case. The Board shall make a final decision based on the law and on its findings of fact.

E. Rehearing

1. The City or grievant employee may move for a rehearing on motion filed in writing to the Clerk of the Board within four (4) days of the Board's final decision. A rehearing is an extraordinary procedure to be granted at the Board's discretion. A rehearing will be allowed only to prevent manifest injustice or to consider substantial new evidence which the moving party could not reasonably be expected to have presented at the hearing.

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AMENDMENT APPROVED BY CITY COMMISSION 8/20/13

***AMENDMENT TO CSB RULES & REGULATIONS –***

***SECTION III.A.1.***

***(APPROVED BY THE CIVIL SERVICE BOARD ON 2/20/2013)***

H. Review Procedure

1. An applicant may inspect his/her examination after taking the examination and receiving his/her preliminary examination results. The Board shall establish a Review Date for all applicants who, within five (5) working days after notification of the results, request inspection of his/her examination in writing to the Clerk of the Board. The Board shall designate two (2) Board members to be present during the examination review. One Board member designated to be present during the examination review shall be the Review Supervisor. The Review Supervisor and other designated Board member shall ensure that applicants limit their inspection to a mere review of the questions and their incorrect answers. The examination review shall not exceed ninety minutes in length. The applicant is not permitted to review his/her examination with any resource materials other than the reference material from which the promotional examination questions were created.

[** Coding: Added text is underlined; deleted text is ~~struck-through~~.]