

By Representative Jacobs

1                                   A bill to be entitled  
2           An act relating to the City of Delray Beach,  
3           Palm Beach County; amending chapter 25784, Laws  
4           of Florida, 1949, as amended, relating to the  
5           civil service act of the city; amending  
6           provisions relating to exclusion of certain  
7           employees; revising layoff and recall  
8           procedures; clarifying procedures relating to  
9           reductions in force due to a change in work;  
10          providing for return to a civil service  
11          position under certain circumstances; providing  
12          severability; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Section 2 of chapter 25784, Laws of  
17 Florida, 1949, as amended by chapter 80-496, Laws of Florida,  
18 is amended to read:

19           Section 2. All persons regularly employed ~~by said~~  
20 ~~municipality~~ in any department shall be construed to come  
21 within the provisions of this Act, except Assistant City  
22 Managers, Department Heads, and Police Majors ~~who are employed~~  
23 ~~subsequent to the date this Act becomes law~~; and this Act  
24 shall not include any officer or person employed part time or  
25 for temporary duty only; nor shall it include any employees  
26 covered under the terms of a collective bargaining agreement,  
27 or expired collective bargaining agreement which is subject to  
28 renegotiation unless otherwise expressly provided in this Act  
29 or in the Code of Rules and Regulations or in the collective  
30 bargaining agreement.

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1           Section 2. Section 7 of chapter 25784, Laws of  
2 Florida, 1949, as amended by chapters 67-1287 and 80-496, Laws  
3 of Florida, is amended to read:

4           Section 7. The City Commission ~~governing authority of~~  
5 ~~said municipality~~ shall fix the pay of all employees, shall  
6 fix the number of positions ~~members~~ in each particular  
7 classification in each department,~~grade~~ and may increase or  
8 reduce the number of positions in any classification or the  
9 number of classifications in each department ~~any grade~~ or may  
10 abolish any classification or position in any or all  
11 departments ~~that grade,~~through the budgetary process. The  
12 City Manager may vary the number of positions ~~employees~~ in any  
13 classification or the number of classifications in any or all  
14 departments ~~grade~~ during the budget year to meet City  
15 requirements. In the event of a reduction in the number of  
16 positions in ~~members of~~ any classification in any or all  
17 departments ~~grade,~~ or a reduction of classifications in any  
18 and all departments,the employees ~~members~~ shall be retained  
19 in the positions remaining within that classification within  
20 their department or moved to another classification within  
21 their department ~~grade~~ according to seniority; ~~and those~~  
22 ~~members thus being forced back to a lower grade, will~~  
23 ~~thereafter receive the pay of said lower grade.~~

24           In the event of the elimination of a position or  
25 classification within a department, employees who are affected  
26 shall have the opportunity to bump back within the department  
27 to another position or, if applicable, to another  
28 classification, if the employee, in the opinion of the  
29 Department Head and the City Manager, is qualified for the  
30 proposed position and has received a satisfactory performance  
31 evaluation for the year preceding the reduction in force. The

1 employee shall thereafter receive the pay applicable to the  
2 new position or classification.

3         In the event the positions or classifications  
4 previously eliminated in the reduction in force are ~~grade is~~  
5 again increased, those employees ~~members~~ forced back as  
6 aforsaid shall be first to succeed to the restored position  
7 or classification previously held by the employee with  
8 permanent status ~~said grade~~ according to seniority, without  
9 further examination or probationary period. In the event a  
10 reduction in ~~said force of any grade thereof~~ causes an  
11 employee ~~a member of the lowest grade of said force~~ to go into  
12 inactive duty, the inactive employee ~~said member or members on~~  
13 inactive duty shall not receive any pay, but the ~~said~~ inactive  
14 employee ~~members~~ shall not lose ~~his~~ seniority, provided the  
15 inactive employee ~~he~~ remains inactive for a period not to  
16 exceed one year, and enters ~~on said~~ active duty within ten  
17 days after notice has been given to the inactive employee ~~him~~  
18 by the City Manager, that the ~~a~~ position previously held by  
19 the employee is open. ~~After the formation of said Board, a~~  
20 seniority list shall be certified of all employees and the  
21 employees shall in writing assent or dissent to his seniority  
22 rating. In the event an employee ~~or member~~ dissents to the  
23 his seniority rating, a hearing shall be held by the Board and  
24 the seniority determined, and the findings of the ~~said~~ Board  
25 shall be final.

26         Section 3. Section 15 of chapter 25784, Laws of  
27 Florida, 1949, as amended by chapter 80-496, Laws of Florida,  
28 is amended to read:

29         Section 15. Any permanent employee of the Municipality  
30 may be dismissed by the City Manager when there is no longer  
31 any need for the position held by the employee ~~said employee~~

1 ~~in said grade and department because of a the change in work~~  
2 ~~or the abolishment of the position.~~ In the event a vacancy  
3 exists elsewhere in the City in a lower grade or in any other  
4 ~~department,~~ the City Manager may, if the City Manager ~~he~~ so  
5 desires, appoint the said employee to fill the vacant position  
6 if the employee is qualified for the position and the  
7 employee's performance evaluation for the preceding year was  
8 satisfactory., ~~whose position has ceased, to said lower grade~~  
9 ~~or other department, but~~ In the event there is no other work  
10 for the said employee, the employee's said dismissal shall be  
11 final and there shall be no appeal of the said dismissal to  
12 the Civil Service Board.

13 Section 4. Section 17 of chapter 25784, Laws of  
14 Florida, 1949, as amended by chapter 80-496, Laws of Florida,  
15 is amended to read:

16 Section 17. An employee appointed to the position of  
17 Major in the Police Department after October 1, 1996, with  
18 previous permanent status under the Civil Service Act shall  
19 have the right to return to the employee's previously held  
20 civil service position. All City employees shall retain the  
21 ~~rank and grade and the seniority they hold at the time of the~~  
22 ~~passage of this Act by the Legislature. Nothing in this~~  
23 ~~section shall prevent the governing authority or the City~~  
24 ~~Manager from reducing the number of people in any grade, as~~  
25 ~~hereinabove provided.~~

26 Section 5. Should any section or provision of this Act  
27 or any portion thereof or any paragraph, sentence, or word be  
28 declared by a court of competent jurisdiction to be invalid,  
29 such decision shall not affect the validity of the remainder  
30 hereof as a whole or a part thereof other than the part  
31 declared to be invalid.

1           Section 6. This act shall take effect upon becoming a  
2 law.  
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