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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 aforesaid 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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