

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Procedural & Redistricting Council offered the following:

Amendment to Substitute Amendment (824029)

On page 41, line 22 through page 43, line 27,
remove from the substitute amendment: all of said lines
and insert in lieu thereof: rebuttal must be substantiated.
Any any employee who is suspended or dismissed on or after
January 1, 2002, pursuant to the provisions of this paragraph
shall be entitled to a hearing before the circuit court, or
the aggrieved employee may request voluntary binding
arbitration as provided in s. 109.240 ~~Public Employees~~
~~Relations Commission or its designated agent pursuant to s.~~
~~447.208, except that such hearing shall be held no more than~~
~~20 days after the filing of the notice of appeal by the~~
~~employee. Appeals based on the protections provided by the~~
Whistle-blower's Act, ss. 112.3187-112.31895, must be filed
with the Commission on Human Relations as provided for in that
act.

(6) For any alleged adverse agency action against an
employee, other than a law enforcement or correctional officer

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1 or a firefighter, occurring on or after July 1, 2001, the
2 adversely affected employee bears the burden of proof to
3 establish by preponderance of the evidence that the agency
4 head abused his or her discretion in suspending, dismissing,
5 reducing the pay of, demoting, laying off, or transferring
6 that employee and that no reasonable cause existed for the
7 alleged adverse action taken by the agency, or that the
8 alleged adverse action was in violation of s. 109.233. For any
9 alleged adverse agency action against a law enforcement or
10 correctional officer or a firefighter occurring on or after
11 July 1, 2001, the agency must prove just cause for suspending,
12 dismissing, reducing the pay of, demoting, laying off, or
13 transferring that employee.

14 (7)(6) A grievance process shall be available to
15 career service employees. A grievance is defined as the
16 dissatisfaction that occurs when an employee believes ~~thinks~~
17 ~~or feels~~ that any condition affecting the employee is unjust,
18 inequitable, or a hinderance to effective operation, or
19 creates a problem, except that an employee shall not have the
20 right to file a grievance against performance evaluations
21 unless the employee alleges ~~it is alleged~~ that the evaluation
22 is based on factors other than the employee's performance.
23 Claims of discrimination and sexual harassment, suspensions,
24 reductions in pay, transfers, layoffs, demotions, and
25 dismissals are not subject to the career service grievance
26 process.

27 (8)(7) The department shall adopt rules for
28 administration of the grievance process for career service
29 employees. Such rules shall establish agency grievance
30 procedures, eligibility, filing deadlines, forms, and review
31 and evaluation governing the grievance process.

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1 Section 51. Effective January 1, 2002, paragraph (a)
2 of subsection (5) of section 109.227, Florida Statutes, as
3 renumbered and amended by this act, is amended to read:

4 109.227 Suspensions, dismissals, reductions in pay,
5 demotions, layoffs, transfers, and grievances.--

6 (5)(a) Any permanent career service employee who is
7 subject to suspension or dismissal shall receive written
8 notice of such action at least 10 days prior to the date such
9 action is to be taken. Subsequent to such notice, and prior to
10 the date the action is to be taken, an affected employee other
11 than a law enforcement or correctional officer or a
12 firefighter shall be given an opportunity to appear before the
13 agency head or the agency head's designee to rebut the
14 conclusion that reasonable grounds exist for the suspension or
15 dismissal. Subsequent to such notice, and prior to the date
16 the action is to be taken, an affected law enforcement or
17 correctional officer or a firefighter shall be given an
18 opportunity to appear before the agency or official taking the
19 action to answer orally and in writing the charges against him
20 or her. The notice to the employee required by this paragraph
21 may be delivered to the employee personally or may be sent by
22 certified mail with return receipt requested. An an employee
23 who is suspended or dismissed on or after January 1, 2002,
24 shall be

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