

1 bargaining units and employees in the career service. Except
2 with regard to law enforcement or correctional officers,
3 firefighters, or professional health care providers, rules
4 regarding layoff procedures shall not include any system
5 whereby a career service employee or selected exempt service
6 employee with greater seniority has the option of selecting a
7 different position not being eliminated, but either vacant or
8 already occupied by an employee of less seniority, and taking
9 that position, commonly referred to as "bumping." For the
10 implementation of layoffs as defined in s. 110.107, the
11 department shall develop rules requiring that consideration be
12 given to comparative merit, demonstrated skills, and the
13 employee's experience. Such rules shall be approved by the
14 Administration Commission prior to their adoption by the
15 department.

16 (4) A grievance process shall be available to career
17 service employees who have satisfactorily completed at least a
18 1-year probationary period in their current positions and to
19 selected exempt service employees who are represented in state
20 collective bargaining units. A grievance is defined as the
21 dissatisfaction that occurs when an employee believes that any
22 condition affecting the employee is unjust, inequitable, or a
23 hindrance to effective operation. Claims of discrimination and
24 sexual harassment or claims related to suspensions, reductions
25 in pay, demotions, and dismissals are not subject to the
26 career service and selected exempt service grievance process.
27 The following procedures shall apply to any grievance filed
28 pursuant to this subsection, except that all timeframes may be
29 extended in writing by mutual agreement:

30 (a) Step One.--The employee may submit a signed,
31 written grievance on a form provided by the agency to his or

1 her supervisor within 7 calendar days following the occurrence
2 of the event giving rise to the grievance. The supervisor must
3 meet with the employee to discuss the grievance within and
4 provide a written response to the employee 5 business days
5 following receipt of the grievance.

6 (b) Step Two.--If the employee is dissatisfied with
7 the response of his or her supervisor, the employee may submit
8 the written grievance to the agency head or his or her
9 designee within 2 business days following receipt of the
10 supervisor's written response. The agency head or his or her
11 designee must meet with the employee to discuss the grievance
12 within 5 business days following receipt of the grievance. The
13 agency head or his or her designee must respond in writing to
14 the employee within 5 business days following the meeting. The
15 written decision of the agency head shall be the final
16 authority for all grievances filed pursuant to this
17 subsection. Such grievances may not be appealed beyond Step
18 Two.

19 (5)(a) A career service employee who has
20 satisfactorily completed at least a 1-year probationary period
21 in his or her current position or selected exempt service
22 employee who is represented in a state collective bargaining
23 unit and who is subject to a suspension, reduction in pay,
24 demotion, or dismissal shall receive written notice of such
25 action at least 10 days prior to the date such action is to be
26 taken. Subsequent to such notice, and prior to the date the
27 action is to be taken, the affected employee shall be given an
28 opportunity to appear before the agency or official taking the
29 action to answer orally and in writing the charges against him
30 or her. The notice to the employee required by this paragraph
31 may be delivered to the employee personally or may be sent by

1 certified mail with return receipt requested. Such actions
2 shall be appealable to the Public Employees Relations
3 Commission as provided in subsection (6). Written notice of
4 any such appeal shall be filed by the employee with the
5 commission within 14 calendar days after the date on which the
6 notice of suspension, reduction in pay, demotion, or dismissal
7 is received by the employee.

8 (b) In extraordinary situations such as when the
9 retention of a career service employee who has satisfactorily
10 completed at least a 1-year probationary period in his or her
11 current position or a selected exempt service employee who is
12 represented in a state collective bargaining unit would result
13 in damage to state property, would be detrimental to the best
14 interest of the state, or would result in injury to the
15 employee, a fellow employee, or some other person, such
16 employee may be suspended or dismissed without 10 days' prior
17 notice, provided that written or oral notice of such action,
18 evidence of the reasons therefor, and an opportunity to rebut
19 the charges are furnished to the employee prior to such
20 dismissal or suspension. Such notice may be delivered to the
21 employee personally or may be sent by certified mail with
22 return receipt requested. Agency compliance with the foregoing
23 procedure requiring notice, evidence, and an opportunity for
24 rebuttal must be substantiated. Any employee who is suspended
25 or dismissed pursuant to ~~the provisions of~~ this paragraph may
26 appeal to the Public Employees Relations Commission as
27 provided in subsection (6). Written notice of any such appeal
28 shall be filed with the commission by the employee within 14
29 days after the date on which the notice of suspension,
30 reduction in pay, demotion, or dismissal is received by the
31 employee.

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Section 3. This act shall take effect July 1, 2006.

SENATE SUMMARY

Prescribes rights of certain employees in the Selected Exempt Service System to appeal suspensions, dismissals, reductions in pay, demotions, transfers, and other personnel actions. Provides procedures therefor.